the SHADOW

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DRUG WAR COMES HOME: BATTLES TURN NEIGHBORHOOD INTO FREE-FIRE ZONE

By Paul DeRienzo and Chris Flash

The Lower East Side of Manhattan was recently jolted by two drug-related shootings, occurring within 48 hours of each other, leaving two people dead and a police officer possibly paralyzed.

According to cops, the two dead men were both shot and killed by police when they allegedly pulled guns and fired at police who were trying to arrest them. But neighbors and family members of Vincent Curto and Abe Richardson, the men killed in the shootings, say they can't accept the stories being told by the police as entirely true.

In the first shooting, Police Officer Keith Prunty was one of several cops responding to an alleged robbery in progress on October 10 at the Lopez Deli, a known drug location at 272 East Third Street. This block has long been the center of a thriving dope trade, fueled by the close proximity of a highway and numerous bridges and tunnels that funnel heroin-chic suburbanites to the mean streets of lower Manhattan.

272 East Third Street is the former site of the Living Theatre, the famous theatrical group that encourages audience participation in their performances. They were forced to leave two years ago when they were cited for various fire safety violations they could not afford to remove. The Lopez Deli took over the $3,000 per month space shortly afterward. Typically, the only businesses able to afford the astronomical commercial rents on the Lower East Side are those that sell heroin and cocaine while posing as legitimate storefronts.

According to SHADOW sources, Prunty and his partner Gerald Derby were driving in their patrol car when they were flagged down by a man who said the deli was being robbed. Prunty called for back-up and entered the store. The sources say that Prunty entered the store first and encountered a suspect whom he began handcuffing, while Derby hung outside. When another man emerged from the back door, Derby and other cops arriving on the scene began wildly firing more than 30 shots from their 9mm semi-automatic pistols. When the smoke cleared, Vincent Curto, 33, was dead and Prunty had been hit twice, despite his wearing a bullet proof vest.

In a surprise twist, the SHADOW has learned that Prunty was shot by his own partner, Officer Derby. All the other shots came from the officers' guns, including Prunty's. He managed to empty his gun of all 16 shots even after he had been shot. Police say another gun was recovered at the scene but had not been fired.

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PETER LEVASSEUR

P.O. DERBY (Rear, see arrow) + PRUNTY (Right, with club) ATTACKING ASTOR PLACE DEMONSTRATORS IN AUGUST

SQUATTER VICTORY ON EAST 13TH STREET

By Sarah Ferguson

At a time when the Giuliani administration and the real estate lobby seem intent on stamping out the last vestiges of radical community on the Lower East Side, a State Supreme Court judge has ruled that squatters do in fact have standing before the law. In a closely worded 34-page decision, Justice Elliot Wilk ruled in October that the East 13th Street Homesteaders, who took over a strip of four dilapidated tenements 11 years ago, have the right to a trial to decide their claim to the buildings. In doing so, Judge Wilk set a precedent by granting squatters the right to due process. Moreover, by ruling that the plaintiffs have a reasonable chance of prevailing in their claim of ownership to the buildings, Wilk went a long way toward delineating the conditions under which squatters may obtain property rights in New York State.

"Never again will the city be able to simply say, 'Oh, squatters, throw them out, they have no rights,'" said radical defense attorney Stanley Cohen, who argued the case. "Those days are gone. The judiciary has been forced to take a position."

Wilk's ruling opens the door for similar legal challenges by thousands of unauthorized tenants currently occupying city-held property. "It breaks the tide of recent conservative rulings by the higher courts that have basically denied squatters and other tenants due process rights all together," says Michael Deutsch, legal director of the Center for Constitutional Rights, which has filed a class action suit against the city to stop the use of police-powered evictions to circumvent housing court proceedings.

Last May, the city mobilized over 200 riot police and a vintage Korean War tank to vacate two of the East 13th Street squats, claiming they were in imminent danger of collapse **(See SHADOW #36--Ed.)**. While Wilk's decision does not allow the squatters to reoccupy those buildings while the case is under litigation, it does preclude the city from gutting the squats to make way for a low and moderate income housing project until the case is decided in court.

"For me, personally, it means that the work that dozens of squatters and community supporters did has not been in vain," said Peter Spagnuolo, a poet turned part-time paralegal, who did much of the legal work for the case despite being ousted from his apartment at 541 East 13th. "Many of my friends in the squatter community who live in other buildings are watching this very carefully. It's their struggle, too."

The city insists Wilk's decision will be overturned on appeal. But the Appellate Division won't even hear the case until January at the earliest, and it could be several months before they make a ruling. That means that the squatters, many of whom are living doubled up in the remaining two buildings, will still have homes on 13th Street for the winter.

At a time when the Giuliani Administration is seeking to privatize thousands of units of in rem property taken by the city for back taxes, the East 13th Street squatter case has become a major thorn in its side. Wilk's ruling comes after more than a year of litigation and an unprecedented 12-week evidentiary hearing, in which dozens of squatters were called to testify on their ongoing presence in the buildings.

Wilk also heard from city officials who testified that they not only knew about the squatters, but in some sense relied upon them to maintain the buildings. "With the knowledge and tacit approval of (the city)," Wilk wrote, the squatters "invested thousands of dollars and thousands of hours in sweat equity" and "improved the structural integrity of the 13th Street buildings and have rid a neighborhood of the scourge of drug dealers."

By contrast, Wilk wrote that for more than 10 years prior to the squatters moving in, the city "demonstrated no interest in preserving this housing stock" and had instead "knowingly permitted it to deteriorate and to become a magnet for drug traffic, to the detriment of the surrounding neighborhood." He plainly rejected the claims of city experts who testified that the buildings were in danger of collapse, calling their testimony "tentative, inconsistent and unpersuasive," and going so far as to accuse one city engineer of lying.

A clearly miffed Mayor Giuliani dismissed Wilk's decision as "ideology run amok"--the opinions of a "renegade" who has "great sympathy for squatters."

"The judge made the law up," Giuliani said. "He's operating by some strange ideology that runs counter to 1000 years of English and American property law."

There's no doubt that Wilk--a former Legal Aid attorney who once defended the leader of the Attica prison uprising and who still keeps a portrait of Che Guevara hanging in his chambers--went out of his way to give the squatters a fair hearing. Last November, Wilk even accompanied city officials on a site inspection of the buildings. But he's also a well-respected judge who has presided over a number of high-profile cases, including Mia Farrow's custody battle with Woody Allen.

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EDITORIAL

WILLIAM MOSES KUNSTLER 1919-1995

Famed movement lawyer and activist William Kunstler died suddenly on September 4 of a heart attack, at the age of 76.

Before the 1960s, Bill Kunstler was just another lawyer handling simple and uninteresting cases. With the emergence of the civil rights movement in the 60s, Bill suddenly found his calling in life and plunged right in.

Bill Kunstler could have easily followed the paths of so many other lawyers who choose their profession only to make millions at the expense of others. Unlike these legal parasites who don't give a damn about their clients unless they have money, Bill Kunstler took his cases personally, most of them on a pro-bono basis, meaning free. He believed in what he was doing. He became part of the movements whose participants and organizers he defended. He got high with his clients, rejecting separating "professional" from "client." Their trials became his trials. Their defeats were his defeats. Their triumphs were his triumphs.

Beside playing a major role in some of the most important trials and events of the past 30 years, from the civil rights movement to the Chicago Seven trial, to the Attica Uprising, to the World Trade Center bombing, Bill Kunstler was also a civil libertarian, loudly decrying the erosion of the Bill of Rights by the US government. He participated regularly at speaking *events and public demonstrations* where he would warn, educate and entertain. Bill was also instrumental in setting up the Center for Constitutional Rights (CCR), which uses the law as a tool for social change, and he wrote several books on his experiences with the law.

To the hatemongers, right wing conservatives and phony liberals who didn't like his choice of clients, Bill Kunstler was a "traitor" or a "self-hating Jew." But these assholes have always been the minority. Asked to describe Bill Kunstler, people attending his memorial on November 19 said: "he hated racism and acted against it"; "he defended people who were defenseless"; "he was a modern John Brown"; "a really good lawyer that loved his clients"; "always on the right side of the underdog"; "he was a movement"; "a rare combination of artist and technician in law"; "he had a poetic engagement with life -- everything was sacred, yet nothing was sacred at the same time"; "he saw the problem, tried to address it and never backed away from it."

Bill Kunstler gave his all for his clients, whether they were society's most ordinary or most notorious accused criminals. Whatever else someone like John Gotti or the World Trade Center bombing defendants may or may not have been or done, they were entitled to a legal defense, if only for the appearance of living in a so-called democracy, even though the fix was in against them. The lawyer they chose was Bill Kunstler.

But Bill Kunstler didn't just represent pariahs. One day, I found myself in the law office of Kunstler & Kuby. On the wall, in the middle of all the assorted awards, documents, photos and memorabilia, I noticed a small plaque on which was attached a gold badge belonging to a police detective named Richard O'Prey. The inscription read: "William Moses Kunstler: Honor to a Good Man." I asked Bill what the story was behind the badge.

He said that O'Prey was a cop who happened to like dancing. He liked dancing so much that he formed a troupe of dancing cops. The cops became popular and even toured the country. O'Prey's fellow officers concluded that O'Prey must be a faggot and they treated him as such. Suddenly, O'Prey found himself getting the worst assignments, being passed over for promotions, and on the receiving end of all sorts of anti-homosexual abuse from his department.

Finally, O'Prey hired Bill Kunstler to sue the NYPD. After they won, O'Prey quit the police department that had treated him so shabbily and he gave Bill Kunstler his badge. Bill told me, "I wish I had his gun!"

We at the SHADOW were honored to have had Bill Kunstler's participation and input in our paper. I was lucky to have known him to the small extent that I did. I never saw such a large diverse group of people coming together to honor the memory of any one man as I did at the memorial for Bill, and I regret to think that I never will again.

Bill Kunstler will live on in the hearts and minds of all those he affected, so he will never really be gone. Bill himself said, "Death is untrue if a life's work has been well-accomplished."

--Chris Flash

CHRIS FLASH

BILL KUNSTLER IN TOMPKINS SQUARE PARK, SUMMER 1989

THE BEST THOUSAND WORDS EVER WRITTEN ABOUT O.J. SIMPSON

By A. Kronstadt

If the O.J. Simpson spectacle has done nothing else, it has shown that Amerika is not a "society" in the traditional sense of the word. One can debate whether Amerika ever was a society, but it is hard to deny that as 1995 draws to a close it is less of a society than ever before. The O.J. trial has been a dipstick for this social degeneration; it doesn't say anything good about Amerika.

If you agree with the O.J jury, you see the police as a klannish boys club with too much power. If the kops don't like you, they will jump over your wall without a warrant and sprinkle blood on your socks in an attempt to send you to prison for the rest of your life. After that, they will all tell the same lie in court to further their scam, because in order to remain a kop you must do what all the other kops do. The message from the O.J. jury is if you are a Black person, the kops will spare no expense to bring you to your knees, even if you are an Amerikan hero with the wealth of an aristocrat. In the minds of those twelve people, there is no reason to believe anything the kops say about a Black person, because the cops hate Black people and call them niggers about thirty times a day. The multiracial character of the O.J. jury also proves that it is not only Black people who view the situtation this way. Challenged to think long and hard about a specific case, white, Black and Asian jurors came to the same conclusions.

On the other hand, if you do not agree with the O.J. jury, you will be lamenting that because juries refuse to believe the cops, certain individuals will now get away with heinous crimes. These will include crimes by men against women, perhaps extending to brutal murder of one's ex-wife with a sharp instrument. Racist bloodlust may be a reality, but what about patriarchal bloodlust? This is part of the reason for the so called "backlash" coming out of the O.J. case. Will women in Amerika come to agree with Brooklyn District Attorney Hynes' new tactic of asking potential jurors if they have been "stopped by the police," and excluding from jury duty those who answer in the affirmative? (New York Times, 10/11) Will they end up calling--along with California Governor and former Presidential hopeful Pete Wilson--for an end to the system that requires juries to rule unanimously: a system that would condemn people to the gas chamber by majority vote.

It is difficult to say who is right in this situation, especially because there is no way of proving whether O.J. Simpson did or did not murder Nicole Simpson and Ronald Goldman. Nobody saw what happened except the murderer and two people who are now dead. Would you send a man to jail for the rest of his life on the testimony of a kop who tells a journalist, "the police are God"? Would you take anything for granted from a kop who admits to beating people up and planting evidence? Mark Fuhrman

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CHRIS FLASH

THOUSANDS GATHER AT BILL KUNSTLER MEMORIAL

By Chris Flash

"...I saw the government using criminal tactics in the name of justice...I witnessed the government systematically destroy individuals who opposed or threatened it...I remain convinced that justice often fails in America...I feel privileged to have lived in critical periods in this country's history and to have played a small part in some of its noteworthy events. I would like to be remembered as someone who did what I wanted to do with my life, who did it with some other end in view than the mere acquisition of tangible material goods, who had some effect on the lives of people that I touched, and who contributed in some way or another to the holding on of whatever rights and liberties that are still available to Americans." -- William Moses Kunstler

More than three thousand mourners, friends, relatives, clients and admirers gathered at the Cathedral of St. John the Divine on November 19 for a memorial dedicated to the life of Bill Kunstler.

The multi-racial audience consisted of people of all ages, from all walks of life, from all over the country. They included former clients whom Bill had represented and sometimes saved from going to jail: former Black Panthers, Panther 21 defendants, a woman who sung for change in Grand Central Station, a man who got a year for one marijuana joint and later received a governor's pardon, and even columnist Juan Gonzalez, who was arrested during a student take-over at Columbia University in 1969. Others included activists and lawyers who chose their path because of Bill's influence and others were just plain admirers. One of them said that Bill was not a lawyer, "he was a great human being who just happened to practice law."

Inside, Bill's wife Margaret Ratner said "Bill didn't want a funeral," so she announced that the evening would be "a selection of the things Bill liked." What followed were a combination of testimonials, recollections and celebrations of Bill's life as a movement lawyer.

The service began with an Indian drum circle followed by an appearance by Clyde Bellecourt, founder and National Director of the American Indian Movement (AIM). Bellecourt told of Bill's efforts on behalf of AIM members who had been framed after an FBI agent was shot during a 1973 confrontation between the feds and AIM members at the Sioux reservation at Wounded Knee. Bellecourt said that Bill had been given the Indian name "Wombly Kibajwe" (Soaring Eagle, or eagle that watches over you) by the tribal chiefs.

Besides his wife Margaret, other members of Bill's family appeared, including his daughters Sarah and Emily, both of whom read poems, his grandchildren and his daughters from a previous marriage.

Bill's fellow activist attorneys Arthur Kinoy, Michael Ratner, Elizabeth Fink and Ron Kuby related their experiences with Bill. Kinoy, a co-founder of the Center for Constitutional Rights, told of the legal method he and Bill pioneered during the civil rights struggle in the 1960s by which they were able to get cases against arrested civil rights workers removed from state kangaroo courts to the federal courts where they could gain acquittals; Ratner read an epitaph that Bill wrote for himself in 1992; Fink described cases she and Bill worked on together; Ron Kuby said, "William Kunstler was my teacher, my law partner, my friend." Kuby is continuing the work he and Bill did together in their law firm.

Special taped testimonials came from political prisoners Mumia Abu-Jamal and Leonard Peltier. Mumia, facing death after being framed for killing a Philadelphia police officer, said "A look at the extraordinary life of William Moses Kunstler is like a roll call of radical American history during the 20th century...Cases that seemed impossible yielded to the counselor, a warrior whose weapons were words..." The audience responded with shouts of "Free Mumia!!" Peltier, serving a life sentence after being framed in the death of an FBI agent during Wounded Knee, said, "This is not a good-bye, but 'I will see you later.'"

Veteran political activists David Dellinger and Angela Davis also appeared. Dellinger, a anti-war activist defendant of Bill's in the Chicago Seven Trial of 1968, recalled that the last time he had seen Bill was at a meeting to get Leonard Peltier freed. "Just before his death, he discussed the need for a large-scale civil disobedience campaign for March 19 and 20 in Washington, DC... then continue in Chicago at the 1996 Democratic Convention in August 1996." Dellinger also recounted Bill's experience of being sentenced by Judge Julius Hoffman for contempt of court in the Chicago Seven Trial. Angela Davis, who met Bill while she was in jail in the early 70s on trumped-up charges related to a California courtroom shootout (on which she was later acquitted) is now a professor at Vassar College. She read an excerpt from Bill's autobiography about the Attica Uprising of 1971.

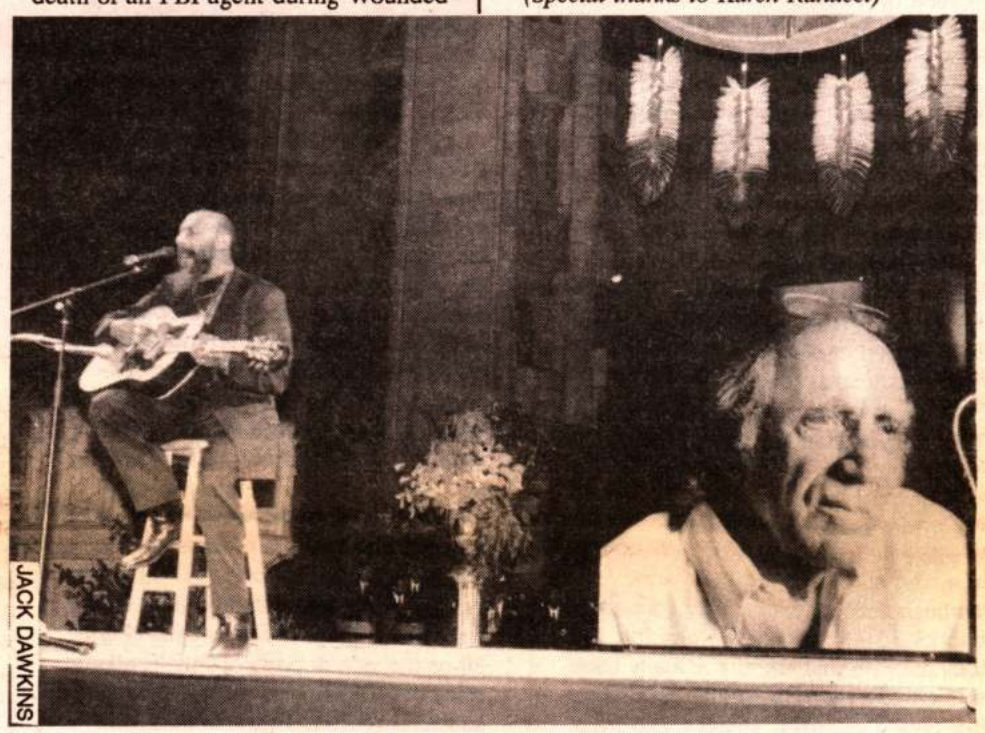
Several artists performed the different types of music that Bill liked. Bernice Johnson Reagon sung a soulful ballad; Bill's neighbor Alice Playton sung a Cole Porter song; The Boys Choir of Harlem sang "Amazing Grace"; Lenna Strompolos sung "I live for art, I live for love," Bill's favorite aria. The star performers of the evening were Richie Havens, who sang Quicksilver's "Whatcha gonna do about me?" and Patti Smith, who sang "Lost in the Stars."

Other celebrity performers included Ossie Davis and Ruby Dee; beat poet Allen Ginsberg, who read his latest poem "Ballad of the Skeletons"; actor Danny Glover, who read "Dream of Freedom" by Langston Hughes; newspaper columnist Jimmy Breslin, who said "Dying is no big deal. The least of us can manage that. It's how you live. William Kunstler lived with a seering energy, a love of right and a dislike of wrong."

Most inspirational was poet, writer and political activist Amiri Baraka. He said "Bill stood up against the great behemoth of ugly, namely the US government, its corrupt and racist judicial system, and its American as apple pie gestapo police, FBI, CIA, DEA...Bill Kunstler was a law artist, but he was also a soldier...The Kunstler, the law artist, the soldier, the law Kunstler...Everyone who understands the world and wants to change it, will miss Bill."

The service ended as it began, with an Indian drum circle and ceremony in which everyone close to Bill was invited to join them onstage. The stage was quickly filled.

(Special thanks to Karen Ranucci)

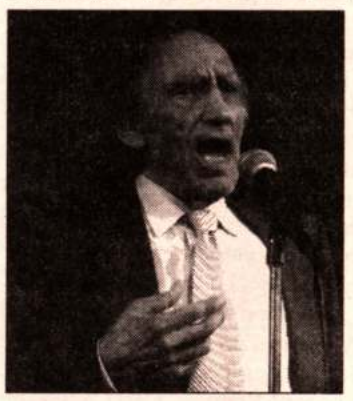

JACK DAWKINS

RICHIE HAVENS SINGS AT KUNSTLER MEMORIAL

JACK DAWKINS

SARAH KUNSTLER, BETTY SHABAZZ, AND RON KUBY

KUNSTLER LIVE!



In what was to be his last public performance, the unique and flamboyant civil rights lawyer made his debut as a professional humorist. This extraordinary tape demonstrates that behind the legal pyrotechnics, the intense dedication to civil liberties, and the unswerving defense of the underdog was a powerful, poetic and disarming sense of humor.

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To order send a check for $19.95 + $4.00 shipping and handling (NYS residents add $1.65 sales tax) to: Kunstler Live, 124 Washington Place, NY, NY 10014 or call 212-243-4804 for more information.

A videotape of the celebration of Bill's life that was held at St. John the Divine on November 19, 1995 is currently available. If you would like to receive a copy, send a check or money order for $19.95 plus $4.50 to cover shipping and handling to: W.M.K. Fund for Racial Justice, Center for Constitutional Rights, 666 Broadway, New York, NY 10012.

SQUATTER VICTORY

Continued From Page 1

His ruling was hardly the rhetoric-laden opinion the city is making it out to be. The bulk of his decision rests on the body of case law surrounding adverse possession, a legal doctrine that dates back to English common law. It holds that if a person maintains continuous control over someone else's property for over 10 years with the knowledge and acquiescence of the owner, he or she has a legal right to that property.

In New York, courts have traditionally held that one cannot claim adverse possession against the state. But Wilk distinguished between cases where the state holds land for general uses such as parks and waterfront access, and this case, where the city intends to turn over the buildings to a non-profit corporation whose funders will have proprietary shares in the property.

The proposed D. Collazo project is sponsored by the Lower East Side Coalition Housing Development (LESCHD)--a non-profit group formerly headed by avowed squatter-hater Antonio Pagán, city councilman for the Lower East Side. Most of the money for the proposed $4 million rehab would come from corporate investors who receive substantial tax breaks plus a share on the profits if and when the E. 13th Street properties are sold. **(See SHADOWS #34 + #35 for more--Ed.)**

Wilk also distinguished the 13th Street squatters from recent cases like *Paulino v. Wright*. In that case, regarding a group of squatters in Washington Heights, the Appellate Division issued a broadly worded ruling stating that squatters have no standing before the law whatsoever. But in *Paulino*, the squatters had occupied the buildings for less than two months, and though they had made extensive repairs to the buildings, they did not document their work through licensed experts. By contrast, the 13th Street squatters were able to demonstrate that the city actually cooperated with them by issuing permits for water and electrical services, and even granted them an award for the Green Thumb garden they planted in an empty lot on the block.

Wilk seemed generally impressed by the ingenuity and expertise of the squatters in renovating the buildings. At one point, he even validated the art of dumpster diving, writing that "Because the residents often shopped in trash bins for discarded but serviceable supplies, the dollar amount of their expenditures does not accurately represent the more significant amount of their contributions."

City lawyers characterized Wilk's argument as "weak" and said they would appeal based on their contention that he wrongly applied the standard of adverse possession to people who had originally entered properties illegally. "No case law in New York has done that," said Leonard Koerner, Chief Assistant Corporation Counsel for the city. But privately, both City Hall and the real estate community are worried about the fallout this case could have on development plans citywide. "If this decision is upheld, we would have to make sure we kick out every squatter before they've been there 10 years," Koerner acknowledged. "Otherwise, it's saying they would have some (litigatable) right to the property."

As Joel Marcus, a Manhattan real estate lawyer, told the Associated Press, "It sends shivers down the backs of people with property and it could chill lenders" from investing in renovations of empty buildings. The very notion of adverse possession, he said, "is a dangerous doctrine in an urban environment."

13TH STREET SQUATTER'S ROW, MAY 1995

Even if the Appellate Division rejects Wilk's interpretation of adverse possession, Wilk's decision offers yet another feather in the squatters' cap: the use of self-help. Recent Appellate Division rulings have reaffirmed the city's right to evict squatters without legal process, using the common law principle of "peaceable self-help." But in those cases, the Appellate Division made its determinations after the squatters had already been evicted. "This case is unusual," Wilk wrote, "because it requires the courts to predict whether the city's administration of self-help will be peaceful." And based on past experience--the tank-powered eviction of May 30 or the violent clash of July 4, when riot cops stormed the block after the squatters reoccupied the buildings, resulting in dozens of arrests of bystanders and more than 30 complaints of police violence--the notion of a peaceful eviction on the Lower East Side seems highly unlikely.

This case comes at a time of growing unrest in the community. Beyond the squats, many of the community gardens on the Lower East Side are under threat of eviction, along with cultural spaces like ABC No Rio and the Gas Station sculpture garden on Second Street and Avenue B. As a result, the squatters are gaining allies from unexpected quarters. On October 27, the squatters were welcomed at a protest march led a neighborhood church and the family of a young black man who was gunned down by police during a buy and bust operation on East Sixth Street.

While the more conservative Appellate Division may side with the city, with further appeals, Stanley Cohen predicts the squatters could hang up the case in the courts for another four or five years. "We don't want it to take that long. We dare Rudy Giuliani to drop the appeal and let this case go to trial."

Sitting on his stoop at 537 East 13th Street, below a giant "Victory" banner, K.C., a 39-year-old electrician, watched as police once again began barricading the block against potential disturbances in the aftermath of Wilk's ruling. "If you get twelve people on a jury and you sit 'em down and you show them how we fixed these buildings as best as we could and the city's spending millions of dollars for this," he said, gesturing to the mobile command post and the police truck with the high-powered spotlight that has been aimed at his building since last May. "With all these cops and the city jerking around with people's tax dollars, I guarantee you that a jury would side with us."

Ironically, the real threat to the city's redevelopment plans for 13th Street may not be social unrest or radical legal maneuvering but Rudy's Republican friends in Congress. The House of Representatives just passed a bill to eliminate the low-income tax credits that are the primary source of funding for both the Collazo housing project on East 13th Street and virtually all low and moderate income development currently in the city.

Whatever the ultimate legal ramifications of Wilk's ruling,the squatters know they have won a moral victory. As word spread of their legal coup, celebration parties broke out at Blackout Books on Avenue B and ABC No Rio on Rivington Street, where squatters had just succeeded in getting yet another eviction order thrown out of the courts.

"We're freaks. We're people who live how we want to live, and we're always gonna be here. They're never gonna get us out," predicted Cheese, a dreadlocked metal forger/maintenance man, who gained national notoriety by goose-stepping satirically on the roof of his former home at 545 East 13th Street during the May 30 police raid. Since then, Cheese has been living doubled up at 539 East 13th Street, one of the two still-occupied squats under litigation. But the night of Wilk's ruling found him around the corner, sipping on a celebratory pint of Guinness at Mona's Bar on Avenue B as the TV news recycled footage of the near-epic clashes of last summer. "We're like O.J.," he said. "The glove's never gonna fit."

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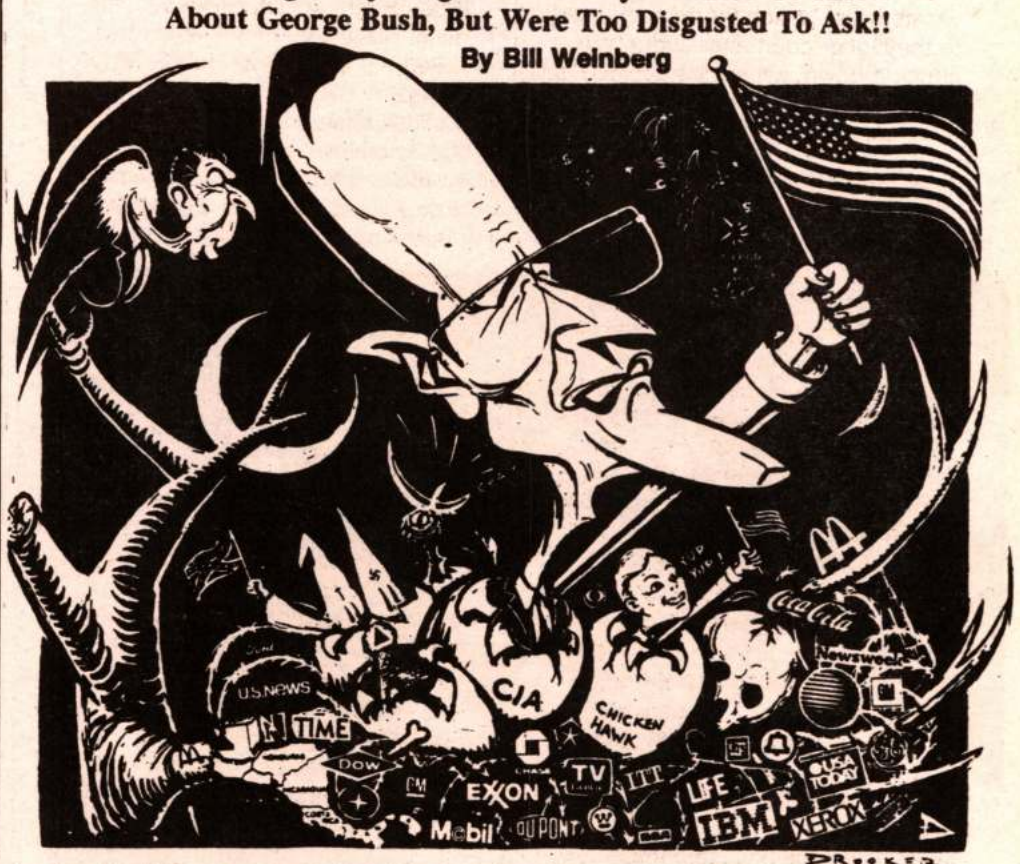
By Bill Weinberg



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SQUATTERS WIN ROUND ONE IN COURT CASE

By Peter Spagnuolo

More than a full year since a coalition of squatters from East 13th Street entered State Supreme Court, they have cleared the first hurdle towards a hoped-for victory. On October 26, Judge Elliott Wilk granted the preliminary injunction the squatters sought against the City of New York, the Enterprise Foundation and the real-estate company Lower East Side Coalition Housing Development, effectively stopping the $5 million Dora Collazo Plaza Project dead in its tracks. As Plaintiffs bringing suit against the City and its funder/developers, the 13th Street squatters undertook last spring and summer the challenge of a 14-week evidentiary hearing to tell their ten-year story of autonomous self-help housing. Having resoundingly won that hearing with Wilk's 34-page ruling, the squatters are now bracing for the inevitable round of appeals to follow.

The evidentiary hearing before Judge Wilk produced a 4,500 page manuscript, heard sworn testimony from some fifty-plus witnesses, and saw dozens of exhibits entered into evidence. Under the skilled trial court representation of co-counsel Stanley Cohen, the squatters' case was never less than compelling, knocking the City for a standing eight count from the earliest days of the proceedings. Their confidence in their own case, not to mention their good faith in the court proceedings and the likelihood of their ultimately prevailing, were completely undermined by vacate orders issued in mid-proceedings by the Buildings Department against two of the four squatted buildings for alleged safety violations. Scorning the City's attempts to circumvent the hearings and empty the buildings by extra-judicial means, and characterizing the City's witnesses as "tentative, inconsistent, and unpersuasive," Judge Wilk pointed out in his ultimate ruling that the vacate strategy hurt significantly "the credibility of respondents in the underlying litigation."

But on the lips of every squatter following the case is the question of what will happen next. First, the 13th Street squatters ejected by the tank-powered eviction on May 30 will *not* be restored to their homes by the power of this ruling. The legality of the City's vacate order, which the City appealed to the higher court after Judge Wilk struck it down, will not be decided until the Appellate Division finishes deliberating sometime in the coming weeks.

What the preliminary injunction does achieve is perhaps more important in the long run, both to the 13th Street squatters and to their comrades in buildings throughout the neighborhood. For the first time in contemporary New York City legal history, squatters have been recognized as having standing before the law. Their claims to title through adverse possession must be considered based on the facts. The City is not immune to such claims merely because it says it has held thousands of buildings in the poorest neighborhoods vacant for fifteen years "for the public good."

In civil litigation with as far-reaching a potential impact as this case has, the stakes are high and the game is long. While Wilk's decision resoundingly finds in favor of the squatters, affirming that their underlying claims of title have a likelihood of succeeding on their legal merits, the squatters must now take their fight to the Appellate Division. The City has already appealed Wilk's ruling, putting the case on the court calendar for the last week in March 1996. At the Appellate level, no witnesses or evidence are presented. Rather, the five-judge panel acts only on the record they receive from the trial court, with briefs and oral arguments by both sides.

In this respect, the squatters and their counsel have guarded optimism. "Where are we now? I like to think of it this way: we've got the full-court press on, and their guards have tired legs," says Cohen. "Whatever the City may say, they have to get past the reality that Wilk's ruling is very narrow and factually-based -- he heard the witnesses and the evidence, and he ruled strictly on the record before him. There's no rhetoric or fat in this ruling."

Paul Crotty, Coporation Counsel for the City of New York, sees it another way. He says the facts presented were the wrong ones and that Wilk misinterpreted the law. In the City's rush to condemn Judge Wilk on the day of the verdict, they pulled out all the stops, putting HPD Commissioner Deborah Wright, Crotty, Assistant Counsel Allan Krams and Mayor Rudy ("Tanks for the Memories") Giuliani before the local media.

Wright derided Wilk for getting all the facts wrong, though she never set foot in the courtroom herself during the three months of testimony. Crotty and Krams mouthed the party line about municipal government's immunity to claims of adverse possession (a legal point specifically countered by existing case law in Wilk's ruling). The mayor fumed about "a thousand years of legal tradition going out the window," calling Wilk an "idealogue," and engaging in fortune-telling by announcing that "the higher court will overturn this bad decision," as if he intends to personally make sure this happens.

Meanwhile, in a favorite squatter watering-hole on Avenue B, dozens of 13th Street squatters and their supporters from other houses in the Lower East Side self-help housing movement gathered to celebrate while several remote TV news trucks set up only a few yards away at the corner of 13th and Ave. B for their live 11:00 news stand-ups. As each newscaster announced the verdict, cheers went up. When pre-taped interviews with the major players came on, the crowd hailed the heroes and howled at the villains.

They shouted a lusty chorus of "Collaborator!!" at the face of John ("The Communist") Potak, the self-declared "Class War (dis)Organizer" and noted media whore, who inexplicably withdrew his own 13th Street squat from the lawsuit against the City and then spent the next year attacking the other squatters in their case, yet now claimed "victory" on behalf of all squatters.

As each toady reporter did their cookie-cutter reports outside, different squatters would run from the bar and jump into the shot, mussing the reporter's hair and seizing the mediated moment. The joyous atmosphere continued all night. There would be time later for the sober realizations that the squatters' case for title still has far to go, and that the need for new, practical strategies, both in the courts and in the streets, remains undiminished. But for the moment, this was their happy hour.

[Author's Note: A copy of Wilk's ruling on the case can be obtained at Blackout Books and Info Shop at 50 Avenue B, near East 4th St.]

ABC COMMUNITY CENTER FIGHTS FOR SURVIVAL!!

By Steven Wishnia

ABC No Rio--the Lower East Side's unique do-it-yourself space for punk rock, painting, and poetry--is facing eviction under a low-income housing scheme similar to the one slated for the East 13th Street squats.

The city Department of Housing Preservation and Development (HPD), which rented the four-story building at 156 Rivington Street to an artists' collective in 1980, has terminated their lease and moved to turn the building over to Asian-Americans for Equality (AAFE), a local nonprofit organization, to be renovated for three low-income apartments. ABC supporters believe that HPD wants to evict them in retaliation for their ties to local squatters and that the city pressured AAFE to take the building.

HPD is trying to expedite the plan by having the City Council declare it an accelerated "Urban Development Action Area Project" (UDAP). That designation--also used to take the 13th Street squats in 1994--would allow the city to bypass normal public hearings on the grounds that ABC No Rio is "blighted," impairing property values in the area and contributing "to the spread of crime, juvenile delinquency and disease." In November, a City Council land-use subcommittee delayed its decision on the measure until December 6 after hearing testimony from ABC workers and supporters.

"To kick out a world-renowned arts collective for three units of low-income housing is ridiculous," ABC volunteer Shawnee Alexandri told the committee.

Negotiations between ABC and AAFE are still going on, mediated by Borough President Ruth Messinger's office, but have been stalled by the issue of rent. AAFE wants $1,400 a month for the space, more than four times what ABC is paying now. It also wants ABC to relocate for 12 to 18 months while the building is being renovated, to pay for the renovations on its space, and AAFE is demanding that the ABC-related homesteaders living in the building's three apartments leave. A 1992 HPD survey found that standard rents for similar storefronts in the area were $600 to $650, according to ABC's lawyer, Jackie Bukowski; ABC offered to pay $500.

An AAFE spokesperson said their group was "very interested in getting our side of the story out," but director Christopher Kui did not return phone calls from the SHADOW.

ABC was born in 1980, after a group of artists occupied an abandoned building on Delancey Street for an exhibit called the "Real Estate Show," protesting the impending tide of gentrification and homelessness. HPD leased them 156 Rivington Street in exchange for their leaving the Delancey Street building. Through the '80s, ABC was an alternative to the yuppie-gallery hustle for local artists such as Jenny Holzer. As a newer group took it over in the early '90s, ABC became one of the country's foremost do-it-yourself punk spaces--perhaps second only to Gilman Street in Berkeley--presenting touring punk bands like Bikini Kill and Jawbreaker and local favorites like Huasipungo, Black Rain, and Ricanstruction. ABC refuses to book racist, sexist or homophobic bands and is the only regular, nonprofit, genuinely all-ages punk venue in the city.

The space also hosts weekly poetry readings, children's art classes, and the New York branch of Food Not Bombs, which ABC secretary Amanda Trevins says provides food to 50-70 people every Saturday and Sunday. In the last six months, it has put on two big art exhibits ("The Art of Eviction," featuring squatters' works, and "Under Siege"), a performance by jazz bassist Eddie Gomez, and a reading by Allen Ginsberg.

The group's relationship with HPD has been "stormy," says former director Steve Englander. It was on rent strike for nearly five years, he says, with a tentative out-of-court settlement reached in late 1993. Under those stipulations, which neither party ever signed, ABC members agreed to move out of the apartments and pay $2,000 in back rent; HPD agreed to make repairs and forgive about $10,000 in back rent. ABC members say HPD never made the repairs and stopped depositing their rent checks in October 1994--just when it was starting arrangements to sell AAFE the building. HPD spokesperson Cassandra Vernon told the SHADOW she couldn't comment on the case.

ABC says the city never notified them of its plans. Vernon says it didn't have to, because ABC was a commercial tenant with a month-to-month lease that could be terminated any time. HPD offered several alternative sites in Greenpoint, Brooklyn, which ABC rejected on the grounds that they were too isolated. ABC also says it wrote to HPD at least three times about buying the building and never got any response

ABC members moved back into the apartments last fall, believing that it would be harder for the city to evict an occupied building. In initial negotiations with AAFE, they agreed to move out if ABC could keep the performance space. This strategy angered some homesteaders, who after the 13th Street invasion believe that no squatter should give up their home except at gunpoint. Jackie Bukowski--who also co-represents the 13th Street squatters--says they accepted leaving because ABC has "no case" for adverse possession. If the negotiations fail, they plan to stay.

Questions remain about whether HPD pressured AAFE to take the building. AAFE has a reputation for not wanting to get involved in projects that require evicting people. Amanda Trevins says an AAFE negotiator told her in May that HPD wouldn't give AAFE 161 Allen Street, the building they wanted, unless they took 156 Rivington Street as well. Both HPD and a source close to the negotiations discount this argument, saying that ABC's building was included because AAFE's project needed at least 15 to 20 apartments to qualify for Enterprise Foundation funding. The Allen Street building only has 13.

Steve Englander says AAFE "acted as if they didn't know ABC was here" when he first called them about the plan in April 1995, four months after HPD told them they were getting the building.

"I find it hard to believe that AAFE wouldn't walk over and look at the buildings for four or five months," he adds. "If AAFE had been honest and ABC had gotten a good deal, I would have been comfortable relating that case to the people who lived there. Now that we know they've been lying to us, I can't in good conscience ask people to give up their places."

HPD has attempted to serve eviction papers and plans to vacate the building. Vernon calls the allegation that HPD is ousting ABC for its support of squatters "unfair," saying that they've been "uncooperative" tenants. Bukowski says she has "no doubt" politics are involved. If HPD presses for an eviction, she adds, "the city using its power to shut down critical speech" would be one ground for a lawsuit to block it.

DRUG WAR COMES HOME

Continued From Page 1

At first, police said that no drugs were involved in the robbery, but they later reported that 50 bags of *Knockout* brand heroin were found and that Curto may have been a robber looking for drugs as well as money. However, friends and family members insist he had no involvement with drugs.

Only two months before getting shot by his partner, Prunty, along with Derby, joined dozens of 9th precinct cops in Astor Place on August 12 to attack demonstrators who were demanding freedom for political prisoner Mumia Abu-Jamal. Prunty was especially vicious, singling out and clubbing photographers trying to record the excessive police force used on the non-violent demonstrators.

The second shoot-out occurred just two days later, on Sixth Street, near FDR Drive, as police were carrying out a "buy and bust" operation to arrest drug dealers.

Police say 22-year-old Abraham Richardson was one of several dealers being arrested, but witnesses told the SHADOW that Richardson was watching from across the street. According to the police account, Richardson fled on foot, and during the chase he turned and fired a round in the direction of the cops, not hitting anyone. The chase ended in a hail of gunfire just a few feet from Richardson's home in the Lillian Wald housing projects.

Other witnesses confirm that Richardson shot at the cops, but they also say he was on a bicycle and fired just to frighten the police. In the past, a shot fired in the air by a fleeing suspect has prompted inexperienced rookie cops to stop chasing them and call for reinforcements, allowing the suspect time to get away. But this time, witnesses told the SHADOW, back-up officers were already on the scene.

Police fired at least 50 shots and kept firing even after Richardson had fallen wounded from his bicycle. Observers say the adrenaline rush of the shoot-out combined with the semi-automatic weapons used by police contributed to the rain of bullets aimed in the direction of nearby apartment house windows.

After the shooting, riot cops suddenly flooded the neighborhood, with police helicopters buzzing the tenements of the Lower East Side as they had during last spring's attempt by police to evict over 100 squatters from the same community. Several people were arrested as the police advanced behind riot shields. The disturbance began as police tried to restrain the victim's sister, Terri Richardson, who was prevented from seeing her brother's body as it lay on the street just a few feet from his home. Afterward, crime scene experts swiftly scoured the area, removing every bullet and fragment they could find from the ground and nearby trees.

Later, after everything had calmed down, riot cops returned, randomly chasing and clubbing people. Angry residents responded with a mini-riot, trashing cop cars and injuring a few riot cops.

The next day, evidence of the shooting, including Richardson's blood, could be seen everywhere. Witnesses told the SHADOW that the Richardson shooting was "payback" for the Lopez Deli shoot-out days before.

At a protest march organized by community members and friends of Richardson on October 27, civil rights activist Al Sharpton expressed the feeling of many in the neighborhood, saying "when cops run through a neighborhood and let loose 50 shots, it's not good police work, it's urban terrorism."

In the aftermath of the two shootings, local right-wing fanatics tied to city councilman Antonio Pagán have tried to use the killings as an excuse to close down the Lower East Side Needle Exchange, which allows local addicts to trade used syringes for clean ones to cut the spread of AIDS. However, activists point to outrageous rents, overcrowding, and a lack of opportunity for young people--as well as trigger-happy drug warriors armed with too much firepower--as the real cause of these latest skirmishes in the war on drugs.

BULLET HOLES SCAR TREE AFTER SHOOTOUT

MEDICAL MARIJUANA BUST ON LOWER EAST SIDE MAY SPUR LEGAL CHALLENGE

By Paul DeRienzo

Medical marijuana activist Johann Moore fell afoul of some New York City police officers in August while distributting pot to members of a Manhattan marijuana buyers' club on the Lower East Side. Moore, a longtime environmental and AIDS activist, said he was distributing about an ounce of grass on East 5th Street to a group of AIDS patients who receive marijuana at wholesale cost when a van load of cops closed in and arrested him for selling it. Moore spent the night in jail and was released the next day without bail.

The bust occurred at a place infamous as a heroin and cocaine location, where addicts often shoot up in doorways and police think nothing of frisking suspicious-looking individuals. According to Moore, the cops were "relatively cool," although at first they didn't believe his story that the pot was being provided for medicinal purposes. Although the arrival of reporters at the precinct and phone calls from supporters later convinced police that Moore was telling the truth, he was taken to Central Booking and "put through the system."

Moore says that he is asking the judge to dismiss the charges "in the interest of justice," but he has to wait and see if the District Attorney objects before the judge acts on his request. Moore hopes he can use the court case to get an agreement from the police similar to a "memorandum of understanding" in San Francisco that allows medical marijuana distribution to people with AIDS.

The next court date is in December, and Moore has been trying desperately to prevent the city from finding an excuse to dismiss the charges. At an earlier hearing, prosecutors asked Moore to accept an Adjournment in Contemplation of Dismissal ("ACD")--basically six months probation after which the charges are dropped. But Moore refused to accept the plea bargain because he felt he'd just be arrested again since he has no intention of stopping his buyers club program. Moore is demanding that the city negotiate a deal that will allow the distribution of pot to sick people just like the needle exchange on the Lower East Side distributes clean syringes to addicts who are trying to avoid contracting AIDS. The needle exchange provides the syringes as part of an unofficial understanding with the city in conjuction with the AIDS activist group Housing Works, which promotes the harm reduction model of humane drug treatment.

In November, supporters of Johann Moore held a fund raiser at the Nation Bar on Avenue A, which attrracted many luminaries from the pot legalization movement. The benefit raised more than $1,000 at the door and from donations for Moore's legal expenses. The bar owners were so impressed that they asked Moore to hold regular medical marijuana benefits there to get the word out and to pay legal fees. The next benefit is December 14.

On December 5, Moore appeared before Judge Robert Stolz. His lawyer, Ruth Liebesman, has filed two motions in the case. The first is to dismiss all the charges in the interest of justice, a so-called Clayton motion based on several legal tests that apply favorably to Moore's case. The second motion is based on an early 1800's Supreme Court decision that says something that was legal in a state before it ratified the Constitution, as medical marijuana was in the 13 original colonies, is a right pursuant to the Constitution's guarantee of life, liberty and the pursuit of happiness.

Moore has already submitted a massive library of documentation supporting his position and Judge Stolz said he won't need to hold a hearing on the constitutional issues or the Clayton motion before making a decison at the Moore's next court appearance on January 10 at 100 Center Street in Manhattan.

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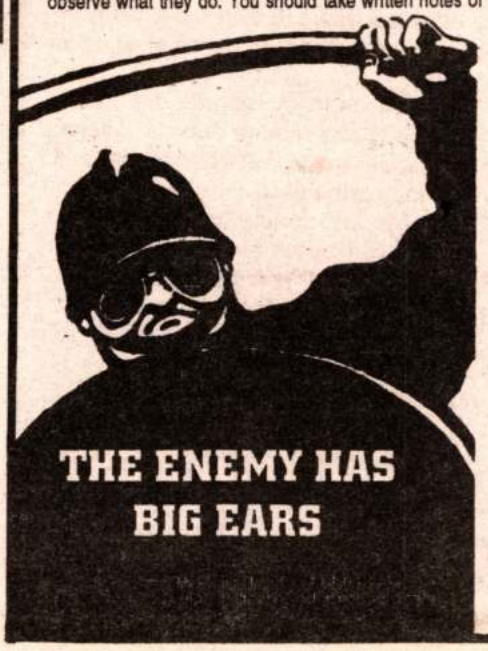
10. IF YOU ARE NERVOUS ABOUT SIMPLY REFUSING TO TALK, YOU MAY FIND IT EASIER TO TELL THEM TO CONTACT YOUR LAWYER. Once a lawyer is involved, the FBI and police usually back off because they've lost their power to intimidate.



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NEW JFK ASSASSINATION DOCUMENTS REVEALED!!

By Paul DeRienzo + Chris Flash

The SHADOW has obtained newly declassified FBI documents that reveal startling new information concerning the assassation of President John F. Kennedy in Dallas, Texas on November 22, 1963. The documents were released under P.L. 102-526, the so-called "JFK Act," last October and November. The Act came into being following the 1992 Oliver Stone film "JFK," after which public demand for the release of government documents pertaining to the assassinations of President John F. Kennedy, civil rights leader Martin Luther King and presidential candidate Robert F. Kennedy increased dramatically.

Three sets of documents obtained by the SHADOW detail statements made by Carlos Marcello in federal prison that were overheard by corrections officers and by fellow inmates in 1986 and 1989. Marcello, the crime boss of Louisiana and Texas at the time of the JFK assassination, was one of the main targets in the Kennedy Administration's war against organized crime, headed by then Attorney General Robert F. Kennedy. Robert Kennedy was assassinated less than five years after JFK as he campaigned in Los Angeles, California for the presidency. Marcello, long suspected by assassination researchers of having been involved in the planning and execution of the assassination of John Kennedy, has made no secret of his hatred of both John and Robert Kennedy, before and after their assassinations.

One of the FBI documents in the SHADOW's possession is an FBI document dated 3/7/86 which says that on 3/4/86, "a confidential source who has provided reliable information in the past" told the FBI that on 12/15/85, he was "in the company of Carlos Marcello and [BLACKED OUT] engaged in conversation. Carlos Marcello discussed his intense dislike of JFK as he often did...."
On this occasion Marcello said, referring to President Kennedy, "Yeah, I had the son of a bitch killed. I'm glad I did. I'm sorry I couldn't have done it myself."

Another document received by the SHADOW is a transcript of an interview of Correction Officer James Robert Cates of the Federal Correctional Institution in Texarkana, Texas, regarding comments made by Marcello on 2/28/89 as Cates guarded Marcello in the Wadley Regional Medical Center in Texarkana, Texas. Cates said that just after midnight, Marcello climbed out of his hospital bed and shook hands with one of the correction officers, greeting him as though the officer was one of Marcello's bodyguards or associates. Marcello "was incoherent" and put back into his bed with arm restraints since he was attached to a heart monitor and IV. Cates said that Marcello began "mumbling off and on," so Cates and another guard decided to keep a log of Marcello's actions and comments. At about 2:30am, Cates heard Marcello say, "that Kennedy, that smiling mother-fucker, we'll fix him in Dallas." About three or four minutes later, Marcello said "I want to see Provenzano in New York."

A third document reveals that Marcello was interviewed by FBI agents on 9/6/89 at the Federal Medical Center in Minnesota regarding his statements on 2/27/89 that he was "going to get Kennedy when he came to Dallas." Marcello denied making these statements or others like them in 1962 and denied involvement in the assassation of JFK.

In another discovery, assassinations investigator A.J. Weberman tells the SHADOW that an 8mm movie film containing scenes of lesbian sex was confiscated from the property of Ruth Hyde Paine, landlady of accused Kennedy hitman Lee Harvey Oswald, when her house was searched after the JFK assassination. Weberman says he has requested several times a screening of the film, still in the possession of the National Archives, but to no avail. Weberman adds, "If this was indeed a pornographic film, Ruth Paine, a religious Quaker, had to go along with the FBI. She accounted for a lot of Oswald's unexplained appearances and the Warren Commission took her word over that of impartial ob servers." Considering the homophobic and sexually conservative climate of the early 1960's, if such a film was indeed confiscated from Paine, it appears likely that Paine could have been blackmailed into telling the Warren Commission what she was told to say by those seeking to frame Lee Harvey Oswald.

ATTENTION ALL REVOLUTION-MINDED INDIVIDUALS ... THEY'RE TALKING ABOUT US !!!

New FBI Charter Introduced to Investigate Political Groups

Washington D.C.--

On February 10, 1995 the Omnibus Counterterrorism Bill was introduced as S. 390 into the Senate and H.R. 896 in the House. It was initiated by the FBI, and passed on by the Justice Department and the White House. Senators Biden (D-DE) and Specter (R-PA) initiated it in the Senate, Rep. Schumer (D-NY) and Dicks (D-WA) in the House. It has bipartisan support and could get expedited action. THIS IS A GENERAL CHARTER FOR THE FBI AND OTHER AGENCIES, INCLUDING THE MILITARY, TO INVESTIGATE POLITICAL GROUPS AND CAUSES AT WILL. The bill is a wide-ranging federalization of different kinds of actions applying to both citizens and non-citizens. The range includes acts of violence (attempts, threats and conspiracies) as well as giving funds for humanitarian, legal activity.

It would allow up to 10-year sentences for citizens and deportation for permanent resident non-citizens for the "crime" of supporting the lawful activities of an organization the President declares to be "terrorist," as the African National Congress, FMLN in El Salvador, IRA in Northern Ireland, and PLO have been labelled. It broadens the definition of terrorism. The President's determination of who is a terrorist is unappealable, and specifically can include groups regardless of any legitimate activity they might pursue. It authorizes secret trials for immigrants who are not charged with a crime but rather who are accused of supporting lawful activity by organizations which have also been accused of committing illegal acts. Immigrants could be deported: 1) using evidence they or their lawyers never see, 2) in secret proceedings, 3) with one sided appeals, and 4) using illegally obtained evidence.

It suspends posse comitatus, allowing the use of the military to aid the police regardless of other laws. It reverses the presumption of innocence--the accused is presumed ineligible for bail and can be detained until trial. It loosens the rules for wiretaps. It would prohibit probation as a punishment under the act--even for minor non-violent offenses. Those who remember the McCarran-Walter Act will recognize this bill--only in some ways this is broader and potentially more dangerous. This bill is highly political: The President can determine who is a terrorist and change his/her mind at will, even for economic reasons.

While it would be impossible for the government to prosecute all of the offenses covered under the sweeping bill, victims would be chosen from organizations the government found currently offensive. People to be deported would be chosen specifically because of their political associations and beliefs. As the Center for National Security Studies notes: "Since the new offenses do not cover anything that is not already a crime, the main purpose of the proposal seems to be to avoid certain constitutional and statutory protections that would otherwise apply."

While many provisions of this bill could well be found unconstitutional after years of litigation, in the meantime the damage could be enormous to the First Amendment and other constitutional rights, including the presumption of innocence and right to bail. THE BILL HAS BEEN REFERRED TO JUDICIARY COMMITTEES IN EACH HOUSE.

FOR MORE INFORMATION: Kit Gage, Washington Liaison, National Lawyers Guild, 3321 12th Street NE, Washington, D.C. 20017. Telephone: 202-529-4225, Fax: 202-526-4611, e-mail: kgage@igc.apc.org

(A message of great importance brought to you by the Federation of Black Community Partisans (F.B.C.P.). Contact: G. Jackson, 323 Broadway Avenue E, Box #914, Seattle, Washington 98102)

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PIRATE RADIO FREES THE AIRWAVES!!

By Peter Spagnuolo

"You're listening to Cycologic-Loco on 104.1 FM, Free Radio Berkeley, so check this shit out," says a goateed disc jockey into the microphone as he cues up another D.I.Y. garage band from the local hardcore scene. His own band-mates sit nearby in the studio, picking records for him to play, while a noted East Bay Food Not Bombs activist checks the station's latest schedule of programming. At the live studio for Berkeley's pirate, unlicensed micropower radio station, an informal, drop-in-and-chat atmosphere definitely prevails.

Not content simply to broadcast live 24-7 to the East Bay community, Free Radio Berkeley (FRB) also acts as a kind of electronic Johnny Appleseed for the micropower, autonomous radio movement, seeding stations with constructed kits and technical support available by mail order. Spreading like a rebellion, the Bay Area now features numerous pirate outfits broadcasting on the FM band to their own neighborhoods -- S.F. Liberation Radio in the South of Market area, Radio Libre in the Mission District, Free Radio Santa Cruz down the coast and a new station in the East Oakland community that gave birth to the Black Panthers, which is going on the air presently. Following the pioneering efforts of Mbanna Kantako and Black Liberation Radio in Springfield, Ohio, a new resistance to the juggernaut of corporate-owned and controlled media has caught fire, led by Stephen Dunifer of FRB and members of the People's FCC (Free Communications Coalition).

Kantako and Dunifer have borne the brunt of the government's attack on the movement, each receiving FCC fines for their broadcasts. While Kantako defaulted on his court hearing and has come under increasing surveillance and police harassment for exercising his First Amendment rights, Dunifer met the beast face-to-face in the Federal District Court for the Ninth Circuit, represented by counsel from the National Lawyers' Guild Committee on Democratic Communications, who argued that he was not subject to the $20,000 fine because the FCC has no regulatory scheme barring broadcast under 100 watts. To everyone's surprise, Federal Judge Wilken stayed the fine on Jan. 20th and refused to grant the government an injunction against FRB's continued broadcasting on constitutional grounds.

Many observers familiar with the case warn that the FCC is now drafting new regulatory schemes to clamp down on all unlicensed broadcasting, as part of an overall appeals posture to combat last year's ruling. Their legal justification is not clear: they have statutory authority from congress only to regulate in the public interest, for example to prevent stations from interfering with one another. No other "developed" country attempts to ban low-power stations the way the FCC would like.

The FCC's haste to draft new regulations puts an added urgency to the project of micropower broadcasting, offering a legal window of opportunity for those who would jump in now, before the new regulations make a retroactive legal defense more problematic. But increasingly, the best defense for pirate broadcasters is a moral one, grounded in the philosophy of micropower, neighborhood radio.

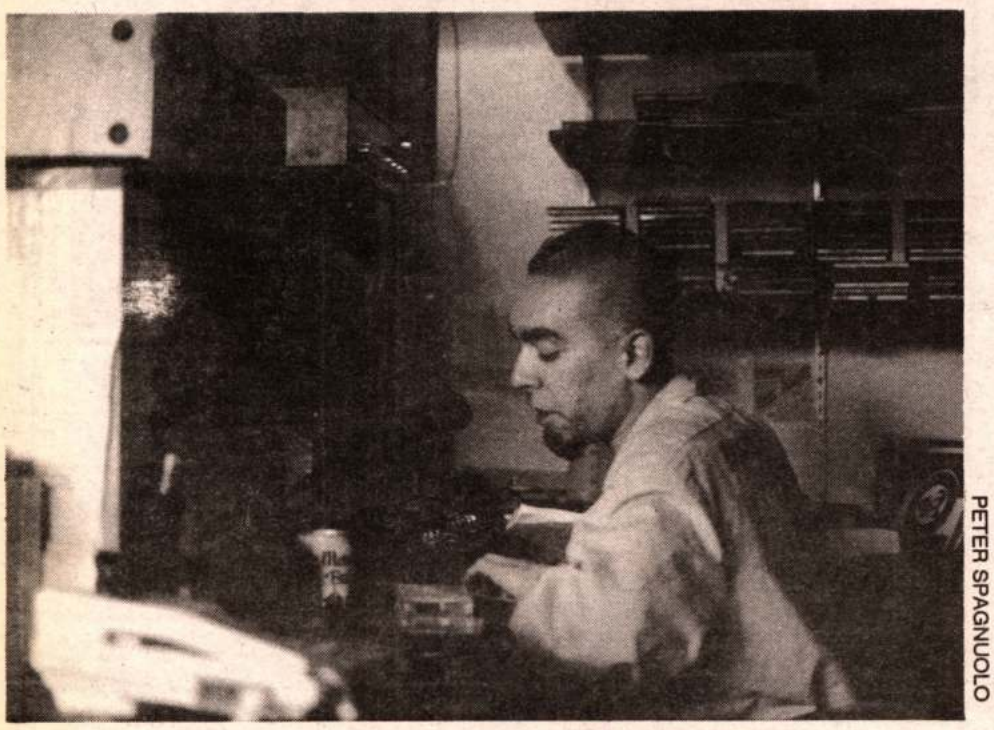
Micropower broadcasting is defined as transmission under 100 watts -- a large-market commercial station like New York's odious K-Rock typically pumps out 50,000 watts blanketing a multi-state listening area. The FCC considers the licensing of frequencies and the collection of huge fees for that purpose to be its exclusive proprietary domain. Even though it gave away licenses in the early days of broadcasting, it now maintains tight control over them, creating an artificial scarcity so that giant media conglomerates can make millions of dollars by trading in licenses which are supposed to be issued in the public interest. The FCC enforces its turf with heavy fines against those who brave the FM bandwidth without first coughing up the dough. It is a legally enforced monopoly, run in the name of "regulatory efficiency," yet in the interests of capital, which treats media "markets" -- us -- as a commodity to be bought and sold.

The project of micro-power broadcasting seeks to counter the increasingly gargantuan, anti-human tendencies of mass media. The past six months have witnessed a flurry of mergers in media properties. The control of information and the manufacture of consent is now concentrated in very few hands.

Some critics of micropower broadcasting on the left see futility in thinking small, inevitably asking, why not a big station, covering the whole town? But the philosophy of small-scale pirate radio is not to broadcast to mass audiences at all; instead, the democratic success of this strategy is achieved in direct proportion to the amount of real community participation present. For this reason, small is better. By broadcasting at 30 watts or so, an urban station can reach tens of thousands of listeners in its own neighborhood, and shape programming to meet their needs. If nearby neighborhoods can't hear your micropower signal, then they should start their own. In this way, information power devolves downward to communities themselves, and thus a thousand stations bloom.

FRB features dozens of shows by and for its broadcast community. Each day features a Radical News Hour, Food Not Bombs hosts a show, the Copwatch Report informs the community on bad guys in blue, MC Eternal Bliss hosts a weekly show on squatting and land occupations, and the Hemp Power Hour brings the latest buds of information on legalization and medical marijuana. With programming made fluid and responsive to community needs, the station seems to be succeeding. In two days of visiting activists and friends in Berkeley and Oakland last summer, this reporter noted literally dozens of car and home radios tuned in to the station at all hours of the day -- a total repudiation of the classic schlock and consumer rock of the commercial broadcasting band. On October 5, during his recent "Rent is Theft" Tour of the U.S.A., Bay Area Food Not Bombs activist Keith McHenry stopped in at besieged squat ABC No Rio to host a video and info night. On the table before him were all you needed for a micropower station, up and running as a demonstration: transmitter, a.c. power supply, mixer, microphone and tape deck. Leaving the microphone open for those who felt the urge, L.E.S. squatters sent their voices out into the night -- tentatively, but for a first step inside the belly of the corporate media beast, it was a start.

[Author's Note: You can reach Free Radio Berkeley and get their newsletter and parts catalogue to start your own station by calling (510)464-3041, or writing FRB at 1442A Walnut St. #406, Berkeley, CA 94710]



PETER SPAGNUOLO

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JUDY BARI SUIT AGAINST FBI REVEALS: COINTELPRO AGAINST EARTH FIRST!

By Bill Weinberg

A lawsuit against the Federal Bureau of Investigation by a Northern California Earth First! activist is revealing that, 20 years after the FBI's Counter-Intelligence Program (or COINTELPRO) was unleashed against the Black Panthers and American Indian Movement, some of the same men are now using the same dirty tricks in the Pacific Coast timber wars.

On May 24, 1990, a bomb exploded in the car in which Earth First! activists and folksingers Judi Bari and Darryl Cherney were driving in Oakland CA. Bari and Cherney were in Oakland to promote Redwood Summer, a national civil disobedience campaign to halt the logging of the last remaining old-growth redwood forest. The actions were to take place in Humboldt and Mendocino counties, where timber companies like Pacific Lumber, Louisiana Pacific, and Georgia Pacific dominate the local economy.

Bari, a mother of two, woke up in the hospital to find that she might never walk again--and that both she and Cherney (who was only slightly injured) were being charged by the FBI with blowing themselves up.

The bomb charge was eventually dropped for lack of evidence, but five years later the perpetrators are still at large--and Bari charges that the FBI has failed to investigate the numerous death threats and attempts on her life by right-wing paramilitary groups tied to the timber industry. Now, evidence reveals that the very FBI men assigned to the case are linked to both COINTELPRO and the Big Timber political machine which runs California's north coast.

In May 1991, one year after the bombing, Bari filed suit in San Francisco's Ninth Circuit Federal Court against the FBI and the Oakland, Mendocino County and Humboldt County police. The judge dismissed the case against the police forces, but the case against the FBI is still pending. Bari is suing the FBI for false arrest and civil rights violations, including conspiracy to violate her First Amendment rights, and using COINTELPRO tactics after they had been banned by Congress.

The case is called *Bari vs. Held*. Richard W. Held, the FBI San Francisco director who headed up the investigation into the bombing, is son of bureau warhorse Richard G. Held. Both men were involved in COINTELPRO activities against AIM, the Black Panthers and other radical groups.

Richard G. Held, who would eventually become Associate Director of the FBI, was a mastermind of the GOONs, a private paramilitary group organized by the FBI which instrumented a reign of terror against AIM activists on South Dakota's Pine Ridge and Rosebud Sioux reservations in the 1970s. Richard G. also orchestrated the cover-up of FBI involvement in the 1969 killings of Black Panther leaders Fred Hampton and Mark Clark by Chicago police.

That same year, Richard W. Held orchestrated the frame-up of Panther leader Geronimo Pratt on murder charges. Despite numerous appeals, Pratt remains in California's San Quentin prison today. The younger Held was also involved in the COINTELPRO "black propaganda" campaign--complete with forged letters and documents--to foment a split between Panther leaders Pratt, Huey Newton and Eldridge Cleaver. Working out of the FBI's Los Angeles office at the time, he also oversaw the creation of the Secret Army Organization, a paramilitary group which terrorized student anti-war protestors, and was responsible for the 1972 assassination of San Diego State University economics professor Peter Bohmer. Richard W. would in the 1980s be assigned to San Juan, Puerto Rico--where he organized warrantless raids and illegal wiretapping of independence activists.

COINTELPRO was ostensibly disbanded in the 1970s. But the discovery process in *Bari vs. Held* has revealed a web of interlocking connections that smell suspiciously familiar to those familiar with the FBI dirty tricks of yesterdecade.

Bari vs. Held has revealed that the FBI ran a "bomb school" at Eureka College of the Redwoods in April 1990 for both FBI agents and local police, just one month before Bari's car was blown up. Classes at the school included blowing up cars with pipe bombs, ostensibly to demonstrate tactics used by terrorists. FBI Special Agent Frank Doyle was the teacher at the bomb school. One month later, he was the FBI "expert" who showed up at the bomb scene in Oakland and supervised the collecting of evidence. Students at the bomb school included at least four of the FBI agents and Oakland police officers who worked under Doyle at the scene.

A warrant for Bari and Cherney was issued within three hours of the blast. This warrant has now been released. It quotes Doyle saying the nails in the bomb are "identical" to nails found in Bari's car. But Bari says they aren't. The bomb nails were finishing nails--the car nails were roofing nails.

Land near Eureka was loaned to the bomb school to demonstrate car bombs by the local timber baron Louisiana Pacific. This makes the bomb school a link between the FBI, local law enforcement, big timber--and possibly paramilitary groups linked to the timber companies and the anti-environmental "Wise Use" movement. These paramilitary groups are generally made up of reactionary loggers opposed to Judi Bari's redwood crusading and her efforts to organize an Industrial Workers of the World local at the timber mills. Before the bombing, Bari had received death threats from one such group called the Sahara Club, which she believes operated with the connivance or encouragement of timber company management. On one occasion, Bari--with her kids in the car--was run off the road by a logging truck.

"We still haven't found out who bombed me," says Bari, who, contrary to doctors' predictions, is walking again. "And the FBI makes sure that doesn't happen."

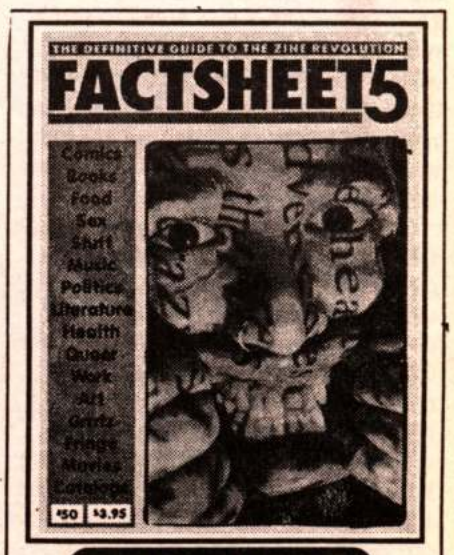
The multi-million dollar public relations industry also seems to have learned a few tricks from the FBI. In the prelude to Redwood Summer, forged Earth First! press releases full of extremist rhetoric were distributed to the media. The discovery process in Pacific Lumber's SLAPP (strategic lawsuit against public participation) against Earth First! tree-sitters had already determined that Pacific Lumber knew that these were forgeries when they were distributed to the press in 1990, one month before the bombing. A memo to that effect had been carbon-copied to the Hill & Knowlton rep handling the Pacific Lumber account. Hill & Knowlton, the high-powered PR firm hired by the Kuwait regime to press Congress for Operation Desert Storm, was contracted that same year by Pacific Lumber for spin control during Redwood Summer. The discovery process in *Bari vs. Held* has now revealed that the FBI had determined one author of the forged press releases.

The FBI was apparently informed of the forgery by one Paula Langager, who had worked with the Sahara Club in a "dirty tricks" workshop (and was thanked in the Sahara Club newsletter) in August 1990, during Redwood Summer--the same month that a phony bomb was planted in the EF! office in Arcata. Langager told the FBI that month that Dave Cruzan, the editor of the now-defunct *Wise Use Advocate* in Fortuna, was an author of the phony press releases.

Meanwhile, the campaign to save the fast-disappearing redwoods continues. On September 15, over 200 Earth First!ers were arrested in a civil disobedience over the Headwaters Grove, the last remaining stand of 1,000-year-old virgin growth on the land of Pacific Lumber in Humboldt. Bought out in a junk bond-funded hostile take-over by the sprawling Maxxam Group in 1985, Pacific Lumber's breakneck liquidation of old growth timber helped galvanize the movement. The September action was aimed at halting logging at Headwaters, a spotted owl habitat, until an injunction could be brought under the Endangered Species Act. At press time, an injunction remains in place.

"The Headwaters Action was a victory over COINTELPRO," says Judi Bari. "Hundreds of protestors followed me over the PL property line. They didn't destroy Earth First! We had 2,000 people at the Headwaters action. The counterprotestors had 50."

This photo, taken by the Oakland Police Department, clearly shows that the bomb was under the left front seat and not on or below the rear seat, which is virtually undamaged.



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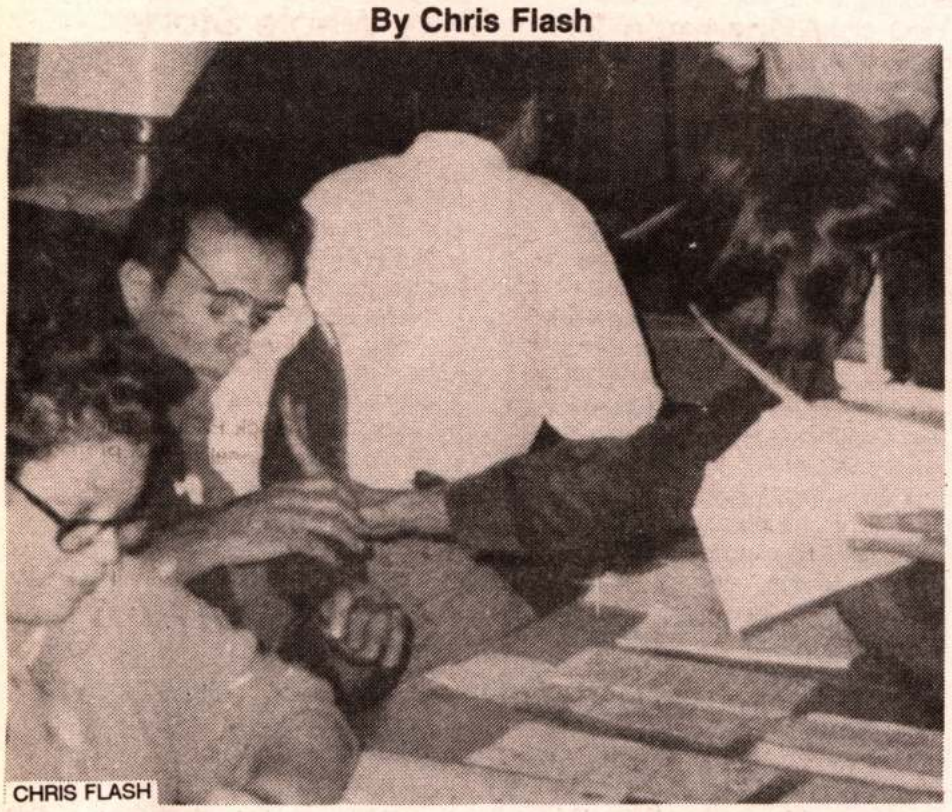
"COMMUNITY BOARD" HEAD EATS CAKE!!

By Chris Flash



CHRIS FLASH

The November 21 meeting of Community Board Three was once again the scene of angry confrontations between politically-appointed board members and the community they pretend to represent. First, the board restricted the number of people able to speak at the so-called "public session" by "running out" of sign up forms. CB3 District Manager Martha Danziger was heard to say that even if people sign the forms, "it doesn't guarantee they speak."

Among the most passionate issues concerning the community are ABC-No-Rio (the only free counter-cultural performance space based in a city-owned building), the Lower East Side Needle Exchange, the Community Gardens, and Off-Track Betting in Chinatown. Off-Track Betting is the city's way of legally booking bets on horse races while prosecuting independent bookie operations, just as the city's "Lottery," "Lucky Numbers" and "Lotto" games are just fancy forms of legalized gambling as cops go after numbers takers who run their own games. The city claims that the gambling monies they collect are targetted for schools, bridges, roads and mass transit, yet, despite record gambling highs, the city's infrastructure is falling apart as tolls and train fares increase. Under intense pressure by the large numbers of loud and angry Chinese demonstrators demanding that no new Off Track Betting office be opened in Chinatown, CB3 caved in and voted against it. Other items on the agenda have not been as lucky, however.

CB3 has voted to approve an "Urban Development Action Area Project (UDAAP)" application for 156 Rivington Street, the site of ABC No Rio, thereby paving the way for title transfer to "Asian Americans For Equality (AAFE)," a formerly progressive neighborhood homesteading/housing group, until they were bitten by the real estate bug. AAFE wants to renovate ABC No Rio's building with outside funds, but to do so, they must first evict ABC No Rio. **(See article in this issue--Ed.)** A UDAAP application is used to facilitate the taking of real estate by having it declared as "vacant," "blighted" and "deteriorating" with a "negative impact on the surrounding neighborhood." This ploy was recently used by the city in seeking the removal of the 13th Street Squatters, whose pending case against the city has stopped them for the time being. **(See SHADOWs #34, #35 and #36 for more--Ed.)** The city council has already approved a "UDAAP" application for ABC No Rio's building.

The community board also voted to request the defunding and closing of the LES Needle Exchange on East Second Street "because of the unique hardship placed on the surrounding community." A group calling itself "Coalition for a Better Community," led by former CB3 member Nancy Sosman, has mounted a petition drive and letter writing campaign to the local media and has been pressuring CB3 and elected officials to close the Needle Exchange, which has been seen by many progressives as one of the only sure ways to stem the growing AIDS epidemic by supplying clean needles to addicts who bring in their used needles. Sosman recently told a *New York Post* reporter that the Needle Exchange was somehow to blame for the October 10 robbery of a heroin spot that led to a cop shooting his own partner. Sosman was appointed to CB3 for just this fanatic type of behavior by city-councilman Antonio Pagán, who has historically been against housing for AIDS patients and the Needle Exchange. Recently, Pagán has softened his opposition to the Needle Exchange in order to facilitate his run for Manhattan Borough President, saying that CB3 had "gone too far" in their vote. This has led to open hostilities between Pagán and Sosman, whose letter to the *Villager* newspaper editor in its December 6 issue said: "...this brazen expression of contempt by a public official toward his constituency makes him unsuited to represent us."

Appearing at the public session on November 21 were members of neighborhood gardens who demanded that CB3 overturn its September 19 vote to approve the sale of their gardens to real estate developers for "market rate" housing, under what is known as the "Cross-Subsidy Plan." This would severely affect the delicate economic balance of low-income housing and the cost of living in those neighborhoods. The gardeners protested that they were never notified that their gardens were on the board's agenda, and that 35 people speaking with petitions at a later board meeting were ignored. Felicia Young of *Earth Celebrations*, the group organizing to save the gardens, discovered that at least two board members believed they had been voting to approve the sale of city-owned parking lots and vacant lots, not the gardens. Both board members believe that the lots were lumped together with the gardens and then misrepresented in order to get the September 19 vote to pass. (Can you say "Payoff?") Young expressed the sentiments of many when she said, "Community Board Three does not represent the community." Not surprisingly, Pagán's representative George Rodriguez told the board that Pagán supports the September 19 vote.

At the end of the raucus and frustrating public session, local activist Jerry Trudell unveiled à large blue and white layered birthday cake and firmly planted it in the face of CB3 chair Albert Fabozzi as a response to the contempt for the public displayed by the community board. Trudell received a Desk Appearance Ticket and returned to the meeting shortly after, met by thunderous applause.

In the aftermath of the caking, Fabozzi, appointed to CB3 by Pagán, told reporters there would be no more public meetings unless his security could be guaranteed by police. To this end, Fabozzi had a private meeting with NYPD Manhattan South Task Force head Chief Allan Hoehl, Ninth precinct commanding officer Captain Michael Oveis and a representative of Manhattan Borough President Ruth Messinger's office. To abide by the community board's obligation to hold public meetings, Fabozzi said they would be held in smaller venues from now on. He then declared that the next CB3 meeting for December 11 would be held in the CB3 office at 59 East Fourth Street, where no public session would be held, due to a lack of space.

On December 11, using this excuse, CB3 refused entry to the board meeting by members of the public board unless they were pre-approved by the board, despite a warning to Fabozzi from Messinger that he would be violating the City Charter. (Section 2800(h) of the City's Charter says in part: "At each public meeting, the board shall set aside time to hear from the public.") Arriving city council member Kathryn Freed told the **SHADOW**, "They might not even let me in!"

There was plenty of room inside for several plainclothes and uniformed cops, who guarded the locked front door. Those allowed in had their bags searched by cops, just in case one of them might be carrying a concealed cake or pie. Patrol Borough Manhattan South Inspector Gilmartin told the **SHADOW**, "We're not screening who gets in, members of the board are."

Seen passing by the CB3 office was Antonio Pagán, who, when asked if he would attend the meeting, said "No way!"

CLAYTON PATTERSON

FROSTED FABOZZI FLIPS AFTER BEING HIT WITH CAKE

SAVE THE LOWER EAST SIDE GARDENS

WHAT BILL KUNSTLER MEANT TO AMERICAN JUSTICE

By Ronald L. Kuby
(Office of Kunstler & Kuby, Attorneys at Law)

Thirty-four years ago, William M. Kunstler, a lawyer with a traditional practice, received a phone call from an American Civil Liberties Union representative. Lawyers were needed in Mississippi, the caller explained, to help defend the young people being arrested for riding interstate buses in defiance of segregation laws.

Bill Kunstler gave the answer he would repeat to all such callers for the rest of his life--"yes." He took the next airplane south, into the movements for racial and social justice. He was personally transformed and, in turn, transformed lawyering and the law in America.

Bill Kunstler was one of the first and most daring of the "movement lawyers," a lawyer for the young causes of desegregation and civil rights. When the Freedom Riders faced trials in racist Southern state courts, he found a century-old law and removed those cases to the more liberal federal benches. He filed flurries of federal writs, neutralizing segregationist state judges. His lawyering in the South helped insure the civil rights movement's survival.

As the movement to end the Vietnam war came under mounting governmental attack, Bill Kunstler pioneered new defense methods, bringing the streets into the courtroom and the courtroom into the streets. While defending the Chicago 7, he put the war on trial--asking Judy Collins to sing "Where Have All the Flowers Gone" from the witness stand, placing a Viet Cong flag on the defense table, wearing a black armband to commemorate the war dead.

Critics sniffed that such tactics were theatre. But that criticism came from elitists who have always argued that history is made from the top down, by judges and crowned Kings rather than by the damned and the Dr. Kings.

Bill Kunstler shattered the then-prevailing model of lawyerly detachment. He showed us that neutrality in the face of evil was not a virtue. He taught the legal profession that it really did matter which side it was on.

He brought extraordinary courage to the practice of law. He stood up to the guns of racist Southern sheriffs. At the Attica prison rebellion in 1971, he risked his life trying to help prevent a massacre. He received a staggering four-year federal sentence for contempt of court, later reversed on appeal, in Chicago. The critics harrumphed that this was all posturing--the same critics who would have us believe that cowardice is really some exalted form of decorum.

As for Bill Kunstler's contribution to American law, he desegregated the Washington schools in a landmark case. He won the flag-burning cases in the Supreme Court, expanding freedom of speech protections. He successfully struck down this state's death penalty law in 1984, giving New Yorker's a decade free from state-sponsored murder. His recent controversial jury verdicts--the El Sayed A. Nosair and Larry Davis acquittals--were won through meticulous cross-examination and dry, technical lawyering. And Bill Kunstler was always there for the dispossessed who found a way to his door.

He inspired generations of lawyers, many of whom still labor for the poor and oppressed. They are a reminder that there was a time when William M. Kunstler would be on TV and young people would say: "That is what I want to do! That is who I want to be!" Few of his critics in the legal world have inspired anything but cynicism or stood for anything grander than getting a big fee.

As a member of the generation that Bill Kunstler inspired, becoming his law partner was the greatest gift I have ever received. Even in the grimmest of times and most hopeless of fights, he radiated love, passion and joy. His compassion for the downtrodden was as boundless as his loathing of oppression. From the time he first shoved a cup of coffee in my hand when I was an eager law intern in 1982, until I said my final goodbye to him last week, he lit up my life as he did those of so many. The nation lost a hero; I have lost my best friend.

We are all a little freer, and a little safer, for Bill Kunstler's life as a radical lawyer.

Ron Kuby continues to represent the outcasts in the law office of Kunstler & Kuby.

The Center for Constitutional Rights (CCR), was co-founded by Bill Kunstler and other movement lawyers in 1966 as a public interest and educational organization committed to the creative use of law as a tool for social change. In his memory, the CCR has established the William Moses Kunstler Fund For Racial Justice to help continue his fight. The organizers of the November 19 memorial for Bill Kunstler are requesting donations to continue CCR's ongoing racial justice litigation. Checks should be made payable to the William Moses Kunstler Fund For Racial Justice/CCR and mailed to: William Moses Kunstler Fund, Center for Constitutional Rights, 666 Broadway, 7th Floor, New York, NY 10012.

MUMIA ABU-JAMAL'S CASE ENTERS NEW PHASE

Attorney's Book Tells Whole Story

By A. Kronstadt

Leonard Weinglass' book *Race for Justice*, subtitled "Mumia Abu-Jamal's Fight Against the Death Penalty" (Common Courage Press, $15), is an unusual paperback in that it consists primarily of court papers--documentation submitted to Pennsylvania's Court of Common Pleas in support of a new trial for Black journalist and revolutionary Mumia Abu-Jamal. Mumia has been on Pennsylvania's death row since 1982, having been convicted in the December 9, 1981 shooting death of Philadelphia police officer Daniel Faulkner. The pleadings of Chief Counsel for the Defense Weinglass--who also participated in the defense of the Chicago 7 in 1969--tell a tale of suppressed evidence, intimidated witnesses, biased jury selection, denial of the right to self-representation, and a judge who acted as a "prosecutor in robes." The bad news is that these arguments have already fallen on the deaf ears of that same robed prosecutor--Judge Albert Sabo--who has denied the request for a new trial although he was forced to stay the execution. The good news is that Mumia's case is presently out of Sabo's jurisdiction, and that Weinglass' convincing arguments may now be heard by jurists other than the one who sentenced Mumia to die by lethal injection. The following is a summary of the evidence that Weinglass and other members of Mumia's defense team presented to Sabo's Court of Common Pleas and will present to the Pennsylvania Supreme Court and possibly to Federal appeals panels as the appeal progresses.

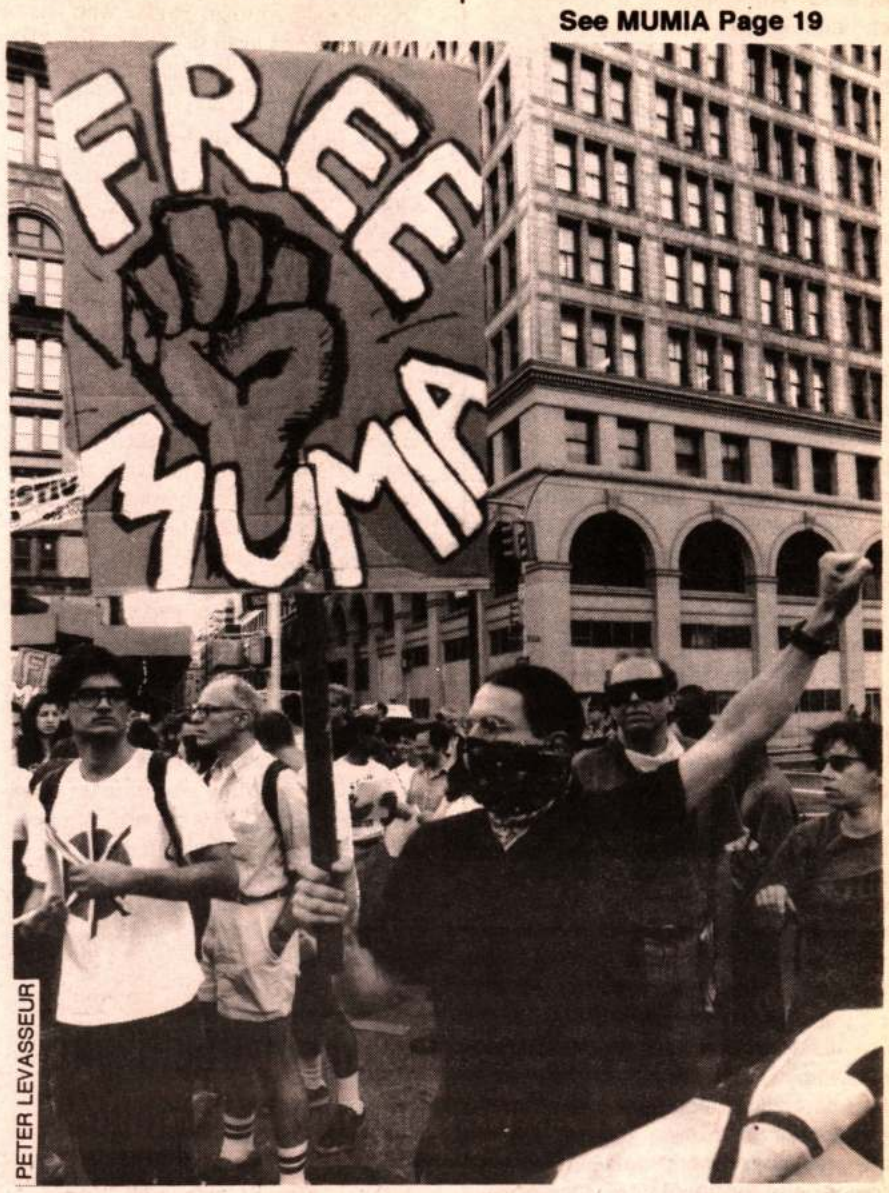
At approximately 4 A.M. on December 9, 1981, both Mumia Abu-Jamal and Officer Faulkner were found lying on the pavement at the corner of 13th and Locust Streets, a busy intersection near the center of Philadelphia. Both men were suffering from severe gunshot wounds; Faulkner expired soon after being taken to the hospital, but Mumia recovered after extensive surgery. As Mumia lay in the hospital facing first-degree murder charges, the death of Faulkner became a favorite topic for Philadelphia's radio talk shows. Callers clamored for the lynching of the ex-Black Panther and award-winning radio journalist. The Philadelphia Daily News screamed about Mumia's radical history, quoting him as saying (in 1970 when he was seventeen years old) that "political power grows out of the barrel of a gun."

THE WITNESSES

While there were numerous eyewitnesses to the shooting incident, which occured just around the time that the numerous bars and nightclubs in the area were closing, descriptions of what happened vary wildly. Witnesses for both defense and prosecution agree on part of what happened the night of December 9, 1981. Faulkner had pulled over a Volkswagen belonging to Mumia's brother, William Cook, which also contained an unidentified passenger who was not Mumia Abu-Jamal. Mumia, according to all those who saw him at all, began walking toward Cook and Faulkner from a parking lot on the north side of Locust Street. At that point witnesses' stories begin to diverge.

The prosecution produced two witnesses who identified Mumia Abu-Jamal as the gunman. Both of these witnesses were persons who were highly susceptible to pressure from law enforcement. Cynthia White, a prostitute with several cases and outstanding warrants pending against her at the time of the trial, testified that she

See MUMIA Page 19



LOWER EAST SIDE DEMO FOR MUMIA, AUG., 95

Well, here we are again!! The big kop news locally is the shoot-out (or should we say "shoot-in?") at the Lopez Deli on October 10. The deli has been a known heroin selling location since it opened more than three years ago, yet 9th precinct kops have done nothing about it in all that time, leading neighborhood SHADOW sources to believe that the Lopez Deli was protected, much like the 7th Street (between Avenues B + C) street dealers are, by certain 9th precinct kops. Strange that kops Prunty and 300 pounder Derby should attempt to deal with a reported armed robbery in progress by themselves, and stranger yet that Prunty should get shot by his own partner, Gerald Derby, despite his wearing a thick bullet proof vest, in the ensuing shooting by kops, though no shots were fired by the deli robbers. So far, Prunty's not talking, but the neighborhood is and those in the know are. There's more coming on this story!!

*****

Princeton, N.J., November 29: Students and parents out in force at a Princeton Regional School Board meeting demanded that police be removed from the high school. Princeton High School senior Josh Kramer expressed outrage after he heard that "police planned on being at the school regularly." Another student stated that the cop presence creates an "atmosphere of fear." Cops have been meeting with teachers to urge them to recognize drug users as part of an effort to catch the users. Seven students have been arrested recently on drug charges at the school. Two board members called for a clear policy on police presence in the schools. Princeton Resident Wanda McEwen said: "*As a person born and raised in this town, I can tell you why we don't want police in the schools. It is disgraceful that we need police there. My son was questioned for something he did not even do. Get the police out.*" Two minority students caught with marijuana in the school were recently suspended. Ovie Lattimore, Princeton director of civil rights and social services called the punishments too harsh and questioned whether there is a racial motivation behind the suspensions.

*****

At about 11:45 P.M. on October 3, 1995, 18-year-old Grandell Pollard was walking in Far Rockaway Queens with a friend when two cops from the 101st Precinct pulled up and told them to lift up their shirts. Grandell exposed a gun in his waistband, whereupon one cop told him to keep walking and the second cop told him to come back. Confused and frightened, Grandell started to run. Chased into an alley by the cops, he emptied the gun into a door in the alley, then threw away his gun and put up his hands. Both cops then opened fire on him at close range. Four of the bullets entered Grandell's body with one hitting him in the kidney. With a large crowd watching, the cops left him lying on the ground for 30 minutes. One of the cops was overheard telling the wounded Grandell, "Don't worry nigger, you're not going to die." Neither of the two cops was injured, but the first ambulance that arrived took not Grandell but one of the cops to the hospital, to be treated for "trauma."

*****

Officer Peter Martinez (of the Central Records division, a desk job that he was assigned to for disciplinary reasons) and his brother John Martinez (assigned to the Brooklyn Court Division for similar reasons) were both suspended from the NYPD in mid-October for refusing to answer questions from Internal Affairs Department investigators. The questions concerned their arrest on July 15 for an off-duty beating of Mohamaed Elouannas, a man whose motor scooter their car had struck. The Martinez brothers were charged with third-degree assault in that incident. Both of the cops were on "restricted assignment" at the time of the assault on Mr. Elouannas. John Martinez was arrested for assault on March 19, 1993 after six cops responded to a domestic dispute at his Staten Island home but was acquitted by a Staten Island jury--Martinez was injured in the incident and has claimed that the police entered his home illegally and beat him; this complaint was substantiated by the Civilian Complaint Review Board. Two months before John Martinez' earlier arrest, his identical twin brother Joseph Martinez took his own life by shooting himself in a room in the Staten Island Ferry Terminal.

*****

On October 25, 1995, Officer Frank Speringo was indicted for murder in the shooting death of Maria Rivas, a bystander who was killed when the off-duty and intoxicated Speringo fired a shot at a group of people with whom he was having a drunken altercation in a Washington Heights restaurant. The shot came from Speringo's service revolver (NYC cops are not only permitted but required to carry their weapons while off-duty, even when they are out drinking). The court showed courtesy to Speringo by releasing him for 24 hours to allow him to raise $100,000 bond.

*****

The October 26 *Daily Challenge* reported that Kenneth George, a Black paralegal, was at work on November 11, 1994, when two police officers came in and arrested him. The management of the building where he worked had accused him of writing graffiti in an elevator and causing $73,000 worth of damage. George was handcuffed and marched out of the building in front of his co-workers. The evidence against him was a videotape of the vandalism, which, when closely examined by a detective, showed a person who did not appear to be of African-American origin committing the alleged act of vandalism. The arrest was voided, but Kenneth George was fired from his job.

*****

On October 31, Hector Soto resigned as director of the New York City Civilian Complaint Review Board (CCRB). This came after a panel of the board of the CCRB, without soliciting the recommendation of Soto's staff, voted to exonerate the police in the 1992 shooting death of Ernest Sayon on Staten Island. Soto stated that he felt the CCRB has been steadily losing its ability to function independently of Mayor Rudoloph Giuliani.

*****

In Los Angeles on November 27, supporters of former Officer Laurence Powell, whose prison term for the beating of Rodney King ends on December 13, announced their intention to sue city officials for $155 million over cancellation of a welcome-home dinner that police had planned for their convicted comrade. The dinner was planned as a benefit for Powell's legal expenses and was to take place at the Los Angeles Police Revolver and Athletic Club on December 14. City officials said the dinner at the police banquet hall located inside the city-owned Police Academy would "send the wrong message."

*****

The October 31 *Carib News* reported a protest by a group of 20 van drivers and their supporters at Flatbush Avenue and Empire Boulevard in Brooklyn. The drivers charged that Officer Stephen Gallagher of the 71st Precinct has been on a rampage, bullying and harassing van drivers. The large and intimidating Gallagher, they say, uses racial slurs and gave one driver 17 tickets in the same day for passing red lights. Police brass at the Brooklyn South Precinct said that they considered Gallagher a "specialist in illegally operated vans."

*****

Also according to the October 31 *Carib News*, Michael Duke, a 38-year-old Guyanese immigrant who lives in New Jersey, had gotten off the #4 train at Utica Avenue in Brooklyn when a police squad car began following him. Cops got out of the car, cuffed him, beat him, then took him to the 77th Precinct and continued to beat him. At the precinct house, a cop jumped on his back, aggravating an already existing back problem. X-rays taken at Woodhull hospital documented Duke's injuries; he was not charged with any offense and has no prior police record.

*****

In Pittsburgh, Pa. on November 5, a coroner's jury recommended that five white cops who beat a Black man, Jonny Gammage, to death with their flashlights on October 12 be charged with homicide. The officers pulled him over while he was driving through the Pittsburgh suburb of Brentwood in a Jaguar belonging to his cousin Ray Seals, a defensive end for the Pittsburgh Steelers. The police maintain that Gammage was driving erratically and that it was necessary to sit on him and beat him with flashlights to stop him from "flailing." As of this writing (November 30), Brentwood Lt. Milton Mulholland and Officer John Vojitas have been charged with 3rd degree murder and involuntary manslaughter and Officer Michael Baldwin has been charged with involuntary manslaughter. All three accused cops were released on their own recognizance.

*****

At York College in Jamaica Queens on November 6, cops in riot gear blocked students from entering the campus after a Black Solidarity Day talk by Nation of Islam leader Khalil Muhammed was cancelled by college officials. Several students who failed to produce I.D. cards fast enough were arrested by the police.

*****

The November 24 *New York Times* reported that Detective Miguel Bencosme of the Manhattan North Narcotics command had his badge and shield confiscated after he was arrested for tearing a woman's clothes off near his upstate home.

*****

Federal prosecutors have begun to look into allegations that corrections officers who work in a special control unit at Rikers Island have used excessive force. The investigation arises from an ACLU lawsuit filed in 1993, which outlined a pattern of physical and verbal abuse, intimidation, and neglect on the part of the officers. In one specific incident, a prisoner who insulted an officer was stripped and beaten by six officers.

*****

Newsday reports that P.O. Nicholas Salvatore, assigned to the 62nd precinct in Brooklyn, has been suspended without pay after refusing to take a new sophisticated drug test that determines from a person's hair not only whether or not he has used drugs, but how often and for how long. Salvatore was later arrested when Internal Affairs investigators found cocaine residue in his precinct locker.

*****

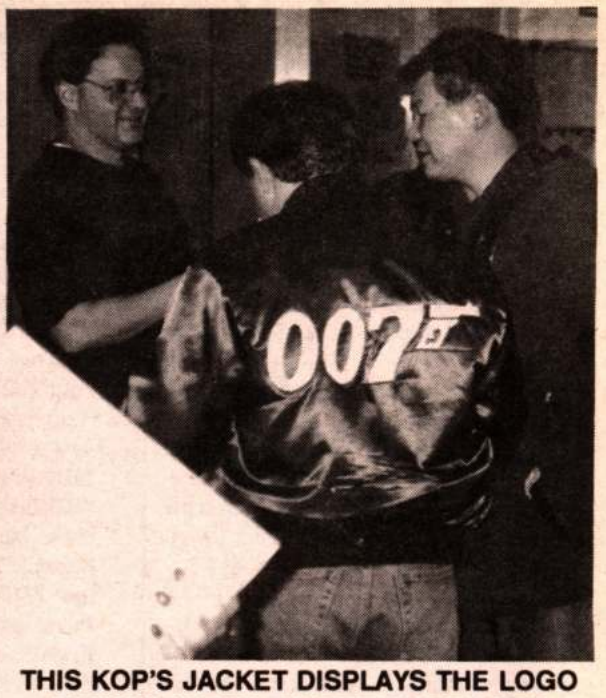
On November 6, NYPD Chief Bratton fired Sergeant Hector Collazzo and

→ → → → → → → → → → → → → → →
MORE KOP-WATCH ON NEXT PAGE
→ → → → → → → → → → → → → → →

Mayor Rudolph Giuliani's most significant act with respect to the police department was to shake up the police press office and fire former NBC investigative reporter John Miller as top police spokesman in early 1994. The first thing that Rudy needed to do for his much touted "reduction" in crime citywide was to seize control of the information flowing out of the police department--the only agency in the city that collects statistics on crime. Rudy thereby exercised his skills as a perception mechanic--the skills that made him mayor of New York. His whole quality of life campaign has been an exercise in perception mechanics--when confronted in the first year of his administration with a question about whether the "aggressive panhandlers" being arrested everywhere were really a threat, his answer was that it was the "perception" that counted. By creating a cosmetic atmosphere of respectability in selected public spaces (selected because of their real estate significance, that is), clearing those areas of panhandlers, peddlers, and young people, he has raised the economic value of these areas, brought in tourists, and made himself popular in the business sectors that he will need to milk for cash when running for reelection. He has also created the preconditions for molding a public perception that "crime is on the run," by cleaning up the most public and economically valuable parts of the city. As long as Times Square and the West Village look like they are getting spruced up, it doesn't matter how bad it gets in the ghetto where the cameras and tourists don't go--until, of course, somebody blows a poor working stiff up in his token booth out in Bed-Stuy and reminds us that Rudy hasn't done shit to make ordinary people safer. With loyal kops as the only spokespeople for the police and the police collecting the stats, smoke and mirrors is all that is necessary to create a "double-digit" reduction in crime. Would your boss take your word for it if you said that you were 20% more productive, according to the statistics in your own filing cabinet? Do you feel safer?
--A. Kronstadt

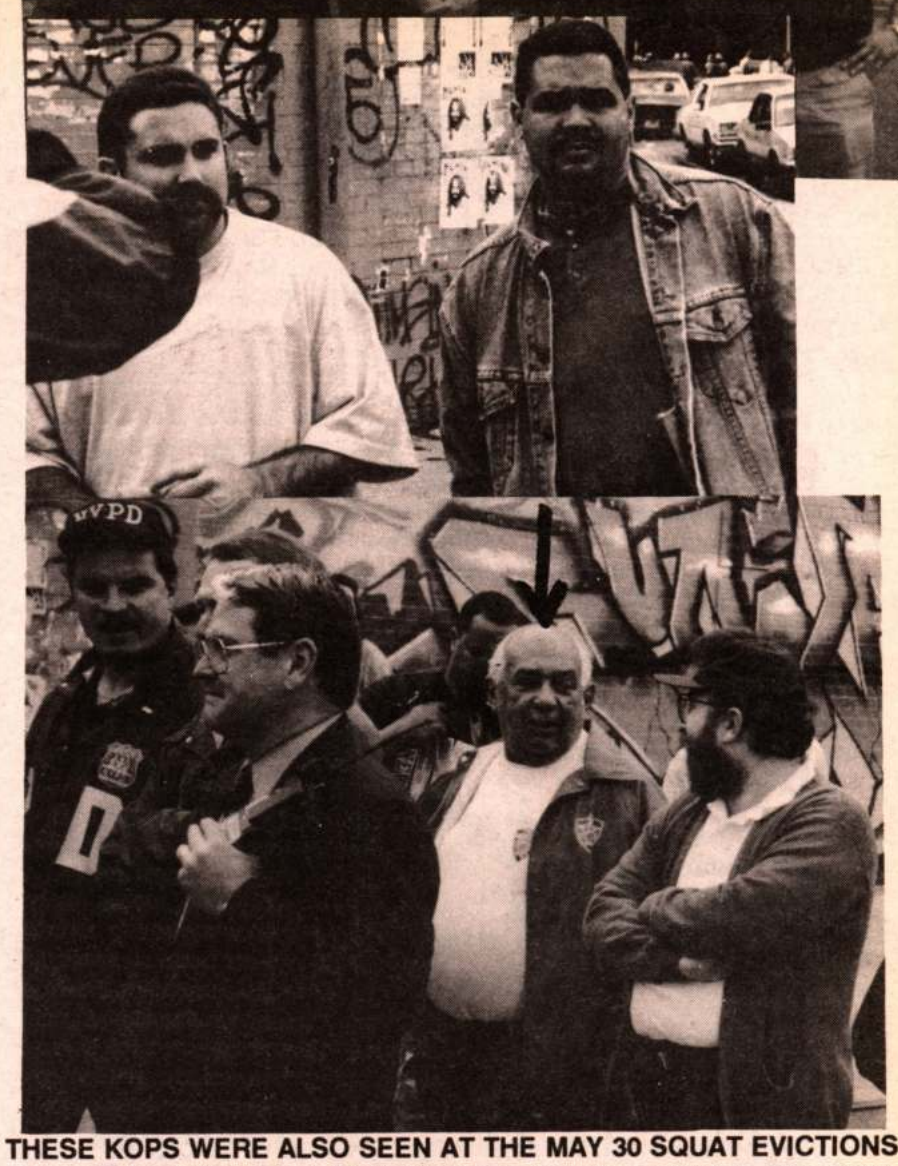
ROGUE'S GALLERY

THESE KOPS WERE SEEN AT A RECENT COMMUNITY BOARD MEETING. THE 1st KOP FROM LEFT HOLDS HIS PHALLIC FLASHLIGHT WHILE THE 2nd KOP PUCKERS UP FOR A BIG SMOOCH!!



THIS KOP'S JACKET DISPLAYS THE LOGO STOLEN BY THE 7TH PRECINCT KOPS. DOES THIS MEANS THEY THINK THEY HAVE A "LICENSE TO KILL?"

THIS MUTT + JEFF TEAM FROM THE NYPD PRESS OFFICE WERE SEEN AT THE MAY 30 EVICTIONS OF THE 13th ST. SQUATTERS TELLING REPORTERS TO SPLIT BECAUSE "WE CAN'T GUARANTEE YOUR SAFETY." THEN THEY PROVED IT BY CONFISCATING PRESS PASSES, DETAINING AND PHYSICALLY THREATENING THOSE REPORTERS CHOOSING TO STAY.



THESE KOPS WERE ALSO SEEN AT THE MAY 30 SQUAT EVICTIONS. WHY IS FORMER COMMUNITY BOARD THREE MEMBER AND KOP INFORMANT PHILLIP LALUMIA (Arrow) WEARING A SHIRT AND JACKET WITH NYPD LOGOS EVEN THOUGH HE HAS NEVER BEEN A KOP? (CAN YOU SAY "IMPERSONATING AN OFFICER?")

Officer Gil Ilefonso for the killing of Fred, a stray beagle adopted as the mascot of the 1st precinct in Lower Manhattan. After discovering that Fred had shitted on the floor of the station-house gym, Collazzo and Ilefonso allegedly beat Fred senseless, stuffed him into the trunk of their squad car, and then delivering him to the Harlem ASPCA, where Fred was given a lethal injection. At first, the "Blue Wall" of silence protected the two cops, but outraged fellow officers finally ratted them out to Bratton's investigators. Said Joe Toal, president of the Sergeants Benevolent Association, "This is an overreaction, and the punishment does not fit the crime."

*****

The New Jersey Senate Law & Public Safety Committee has approved an omnibus pro-cop bill, the so-called "Law Enforcement Officers Protection Act," that would protect cops from damage lawsuits resulting from weapons discharge, motor vehicle chases, emergency medical care or "other" action if the cop acted in "good faith." It also allows retired officers to carry concealed weapons, allows cops to engage in political activity, and provides reimbursement of legal costs in defending against lawsuits and immediate expungement of department or criminal charges once they are found not guilty of acting improperly. Also, HIV testing will be mandated whenever bodily fluids might have been transmitted from a suspect--for example when an officer beats a suspect causing massive bleeding. The Senate Bill (S-21-09) and its Assembly version (A-2883) have been pushed by the Fraternal Order of Police. The bill has also been passed by the New Jersey Assembly Judiciary, Law and Public Safety Committee.

*****

The November 13 *Daily News* reports the formation of the police department's "computer investigation and technology unit." Operating from a small office in NYPD headquarters at 1 Police Plaza, the cybercops claim they can recover secret files from the hardware or software of any computer seized during drug raids and other investigations, even those erased years before. To catch suspects, the unit uses new state felony charges such as computer trespassing, computer tampering, and unauthorized use of a computer.

*****

Thanks to our Kop Watchers and kop-news clippers for their contributions to Kop-Watch. If you have anything (stories, eyewitness reports, photos, badge + vehicle plate numbers, etc.), that we can include in the SHADOW and add to our expanding files, please send it to: The SHADOW/Kop-Watch, P.O. Box 20298, New York, NY 10009

*****

Oh yeah, you can now visit and participate in our Global Kop Watch site on the World Wide Web. You can enter your own stories (and depending on your software, you can add your own kop photos) that will be seen and shared all over the world!! Our World Wide Web address is: http://MediaFilter.org/MFF/mfhome (We especially welcome kops who want to tell the truth about their partners in crime -- anonymously, of course!!)

SHADOW LISTINGS

DECEMBER 19: WHITE LIES, WHITE POWER: A discussion with author Michael Novick, writer of White Lies, White Power: The Fight Against White Supremacy and Reactionary Violence. 7:00 p.m. Black Out Books, 50 Avenue 8. Free Call: 777-1967

DECEMBER 19: GMHC MONTHLY NUTRITION FORUM: Open forum on the special nutritional needs of people infected with HIV/AIDS. Focusing on diet, exercise and vitamins. 7:30 p.m. GMHC, 129 West 20th Street, lower level. Call GMHC Hotline: 807-6655

DECEMBER 20: FREE MUMIA ABU-JAMAL COALITION: Semi-monthly meeting. Plan fundraisers, media campaigns, mailings, boycotts and legislative efforts. 6:30 p.m. St Phillips Church, 204 West 134th Street. Call: 281-4973. Mumia Hotline: 330-8029.

DECEMBER 21: WBAI LOCAL BOARD MEETING: Open to the public. Meet with WBAI board members and staff. 6:00 p.m. WBAI 505 8th Avenue, 22nd Floor. Free. Call 279-0707.

DECEMBER 21: READING BY GAHAN WILSON: Cartoonist Gahan Wilson (Playboy magazine and other venues) reads from his strange cartoons and talks about his life and work. 8:00 p.m. Dixon Place, 258 Bowery. $5 Call 219-3088

DECEMBER 22: STRICTLY SCREWBALL FESTIVAL AT THE FILM FORUM: Two comedies. "Two Be or Not to Be" with Jack Benny and Carole Lombard and "Unfaithfully Yours" starring Rex Harrison and Rudy Valle. Also on December 23. For times call: 727-8110

DECEMBER 22: A RETROSPECTIVE OF BERNARD BERTOLUCCI: The legendary Marxist filmmaker whose movies combine politics and sex (Our two favorite things!) Showings include Last Tango in Paris, The Conformist, The Sheltering Sky and Before the Revolution. Through January 14 at the Walter Reade Theater, 70 Lincoln Center Plaza. For dates and times call: 875-5600

DECEMBER 23: ANTI-100 YEARS OF CINEMA CELEBRATION: Super-8 films made by everyone who doesn't know how to make films but makes them anyway. Bring and show your own works. Noon to Midnight. Anthology Film Center, 32 Second Avenue. Donation. Call 505-5181.

DECEMBER 31: LESBIAN AND GAY COMMUNITY SERVICES CENTER NEW YEARS EVE DANCE: Starting at 9:00 p.m. DJ, dancing, champagne. The Center, 208 West 13th Street., $10 tickets (Purchase in advance). Call 620-7310.

THROUGH JANUARY 12: ARTE MOVIMENTO ZAPATISTA: Gallery Show "Art of the Zapatista Movement" Mexican and local artists in support of the Zapatista revolutionary movement. Paintings, slideshows, lectures. Thursdays, Fridays, and Saturdays, 2:00 p.m. to 7:00 p.m. Free (Donations welcome). Call: 254-3697

THROUGH JANUARY 12: ON THE WALL--A Retrospective Exhibition of 'World War 3 Illustrated' Confrontational Comics: Radical comic book WW3 has been raging warfare against oppression and ignorance for the past 16 years. Monday - Saturday 9 a.m. - 6 p.m., Wednesdays 9 a.m. - 9 p.m. Parsons School of Design Exhibition Center, 2 West 13th Street. Free.

THROUGH JANUARY 27: Volunteers Needed: Help prepare for the second annual "Let the Gardens Live" winter candle lantern pageant. The celebration will take place at 7:00 p.m. at 638 East 6th Street between avenues B and C. Parade, giant puppets, ice spirit, snowflake dancers, giant lanterns and music. To help call 777-7969.

ANNOUNCEMENTS

LET THEM TALK radio show features investigative activist, journalist and SHADOW reporter Paul DiRienzo. Best alternative news and music!! Wednesday nights (technically Thursday mornings) on listener supported WBAI radio, 99.5 FM 1:30 to 3:00 a.m.

THE SHADOW IS NOW COMING OUT MONTHLY. IF YOU HAVE LISTINGS OR ANNOUNCEMENTS FOR THE SHADOW SEND THEM TO: THE SHADOW, LISTINGS EDITOR, P.O. BOX 20298, NEW YORK, N.Y. 10009. LISTINGS SHOULD BE RECEIVED BY THE THIRD WEEK OF THE MONTH PRIOR TO THE EVENT.

SUBVERTISEMENTS

(10 cents per word, $1.00 minimum)

COLLECTOR SEEKING old political memorabilia: pins, buttons, ribbons, badges, posters, 3-D items, from all parties. Esp. seeking socialist, communist, suffrage, anti-war, civil rights, black power. Items for Victoria Woodhull, George Francis Train, Horace Greeley, Samuel Tilden, Eugene Debs, Earl Browder, Al Smith, Charles Evan Hughes. Please send photocopy or description + price to: John Gingrich, P.O. Box 358, Lexington, GA 30648, or call 706-743-3420.

HUGE $6 MANUALS: Retire without money, Strength of Samson Secrets, Triple Your Intelligence, Hard Times Survival. Incredible Inquiry Catalog $1. Box 2207, Garden Valley, ID. 83622.

INFORMATION NEEDED for upcoming urban guerilla handbook to be published by SHADOW Press. How to stuff, police methods of operation, legal info, experiences, battlefield plans, hacking/phreaking info, dos and don'ts, photos, diagrams, illustrations, etc. Anything will be appreciated and reciprocated!! Send to: The SHADOW, P.O. Box 20298, New York, NY 10009.

ORGANIZED KKKRIME By Shaka Shakur. Learn about the real kriminals in Amerika. Go back in history when the Southern KKKrime family was fighting the Northern KKKrime family, throwing the Don, Abraham Lincoln, into a dilemma. It had nothing to do with freeing the slaves. Read the words of a New Afrikan victim of this crap-shoot democracy who was arrested on a robbery charge at the age of 16 and is going on his 13th year in the gulags. Read it, zerox it and pass it along. $2.75 from Shaka Shakur Defense Campaign, P.O. Box 565, Madison, WI 53701.

COLLABORATE WITH ARTISTS, writers and activists from all over the world. Approx. 350 categorized listings of alternative projects from 35 countries. FREE sample of this underground publication with two US stamps. Global Mail, P.O.Box 597996-A, Chicago, IL 60659.

WANT A NEW YORK CITY POSTMARK? Make people think you are in NYC. We will mail your envelopes, postcards, etc, from NYC for only $1.00 each. Send stamped mail inside second envelope to The SHADOW, P.O. Box 20298, New York, NY 10009, Attention: Remailing

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INCARCERATED RADICAL BLACK MAN, age 38, mentally and spiritually mature, seeks correspondence from sisters and brothers who are looking at the world from an Afrikan - Centric world view. Richard Miller, AP7574, Box 99901, Pittsburgh, PA 15233.

CHRISTIAN ANARCHIST, REVEAL THYSELF TO ME! Your revelation needed for a Midwestern zine. Also gathering words--images on free access vs. security **AND** why leaving America now is a really good idea. Send stuff to: Whatever Works, P.O. Box 569, Iowa City, Iowa 52244.

D.I.Y. COLLECTION: Send in (illustrated) contributions for booklet on herbal remedies, tinctures, silk screening, tofu, soymilk, homebrew, pirate radio, edible weeds, natural dyes, gardening, shelters/squatting, rigging electricity, forging tickets, bike repair, solar energy, greenhouses, composting, carpentry, billboard improvement, living without $$$$, windmills, shoemaking, travel, etc....to: Jenna, c/o 121 Centre, 121 Railton Rd., Brixton, London, SE 24, UK

TO THE SEXY VIXENS OF THRUST: You are the hottest women I've ever seen on the stage! Do you really mean it, or is it all just an act? I need to know. Please respond to Roger in this Subvertisements section in the SHADOW.

UNDERGROUND WRITER seeks info on silicon chip implantations in pets/humans. Anonymity assured. P.O.Box 303, New York, NY 10009.

I TOOK ADVANTAGE OF THESE NEW LOW RATES TO ADVERTISE IN THE SHADOW AND SUPPORT THE UNDERGROUND PRESS AT THE SAME TIME. PUT YOUR MONEY WHERE YOUR POLITICS ARE!! (Total cost: $3.20)

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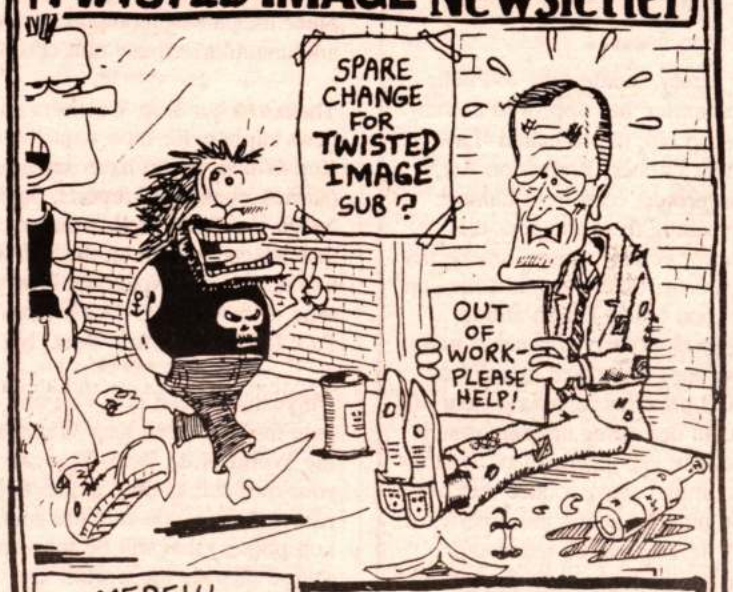

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To the Editor:

Many media pundits have expressed opinions on the moral depravity of those crazies who murdered several hundred innocent people in Oklahoma city using a truck bomb. For perspective, that atrocity ought to be compared to a somewhat comparable truck bombing which took place March 8, 1995. That bombing was a CIA plot against the life of a Muslim cleric, Mohammed Hussein Fadlallah, in Beirut Lebanon. The cleric was uninjured, but 80 people were killed and 260 injured--mostly women and children. Anyone loathe to believe in U.S. Government complicity in the terrorist bombing is invited to read the *Washington Post* of March 6, 1988, or read the book *Veil* by Bob Woodward.

To put terrorist killing in further perspective, it should be noted that the CIA also ran a terrorist campaign in Nicaragua, killing more than 40,000 civilians over a period of years. The terrorist activity was sometimes mentioned in the U.S. press, but was systematically downplayed for years by the major media. The *Minneapolis Star Tribune*, for example, stated its official editorial opinion that "there was nothing immoral about funding the Contras."

Some years prior to that, there was Operation Phoenix, a CIA program which involved the systematic assassination of Vietnamese civilians who were suspected of having political sympathies in opposition to the puppet government which the United States was trying to establish in Saigon. Over a period of ten years, more than 50,000 civilians were murdered in Operation Phoenix, the grisly details of which were exposed by the *Wall Street Journal* more than 20 years ago.

The citizens of the United States should get serious about combatting terrorism and should begin punishing terrorists. A model first step would be to arrest the CIA and bring that gang of terrorist assassins to trial.
Uncle Junky,
Elmira, New York

Dear SHADOW:

One of our local deputies just shot and killed a man here in Clay County Florida (see enclosed article from *Clay Today* newspaper. The deputy reports that he was attempting to talk the man out of committing suicide when the man suddenly threatened him. However, since he shot the guy three times, it's being checked into. Meanwhile some of us feel that we could find a better deputy than this to serve us in Clay County. We would appreciate it if you would use your influence to help get him an offer of a good job with the New York City Police Department. I am quite sure that your Police Department would love him and that he would be far happier with police officers of his type. Please hurry, we're dying to get rid of him.

Editor's Note: The newspaper article says that the deputy spotted a man in a car with a shotgun to his throat; when the deputy went over to talk him out of shooting himself, the man allegedly pointed the gun at the cop and said "It's gonna be you or me," whereupon the deputy shot the man to death.

*****

PRISONER MAIL

Dear SHADOW:

I was first privileged to read your fine publication about two years ago when I was housed (warehoused) in Folsom Prison, near Sacramento CA. I am not living in California State Prison--Los Angeles County, one of California's newest prisons. The place has been open since late 1992 or early 1993. It is now on its fourth, or maybe fifth, warden. I am losing count. The local townspeople (Lancaster, CA) hate having this prison here. There is a real public relations problem. They want us locked up, of course, they just don't want us locked up near them.
--Peter Silverbrand, D-98056
D-1-214, CSP-LAC
44750 60th Street West
Lancaster, CA 93536-7619

Greetings:

These people are really running rampant here in Texas. When they were putting us inmates on the bus to be brought here to this new unit, they handcuffed us, put a little black box over the handcuffs to keep us from tampering with them, and locked this with a padlock. We were also put into leg irons (shackles), then we were made to put our hands by our ankles and were further shackled and chained down so that our hands stayed between our ankles. This was for a 3 and 1/2 to 4 hour ride.

Once we arrived here the first thing that Major Bravo did was "pop" two gas canisters on the bus because one inmate told him "fuck you" after he (Major Bravo) got on the bus and said "shut the fuck up."

Since then, things have gone downhill, with officers threatening to beat and gas inmates for the least infraction, denying us medical care and medication, flipping the lights off and on all night long, throwing our food on the floor, etc.

Right now, we're working on trying to change some of these conditions, but it's not easy.

Just wanted mainly to let you know my new address so I could keep getting the *Shadow*. I really enjoy it and find it very informative. I also pass it around to as many of the other guys as I can. Keep up the good work.
--Scott R. Thornton, #577908
HC67, Box 115
Kennedy, TX 78119

Dear SHADOW:

I am writing to you from F.P.C. Eglin where I have been incarcerated for 13 and 1/2 months for growing and possession with intent to distribute marijuana.

I am a father of two, ages 8 and 7. I have maintained a steady job since I was ten years of age and have been paying taxes since 1970. I never received government assistance until my incarceration. I am now costing taxpayers over $20,000 a year as an inmate and my two children are on welfare and Medicaid and are receiving food stamps.

I was convicted of growing 74 plants and received a sentence of 40 months plus three years of supervised release. The Confidential Informant involved in my case taught me how to grow and sold me the clones (cuttings). He was charged with growing 288 plants and was sentence to 5 years probation. Aside from my sentence, the government seized $16,000 in cash and the apartment building in which the plants were being grown.

I support the proposed Amendment [No. 37 to the Federal sentencing guidelines, which would reduce sentences for marijuana] with retroactivity.
Eric Rodriguez-Schack
Reg. No. 47005-004
P.O. Box 600, Dorm 5
F.P.C. Eglin A.F.B, 32542-7606

Dear SHADOW:

I'm fighting the conditions at this hellhole and could use assistance from the outside in terms of legal assistance (law students etc.); even donations could help me with costs. I've written Legal Aid and the ACLU for help, but they're part of Big Brother and I have never met anybody that they have helped. Would love to hear from Anarchists and receive letters, pamphlets, etc.
Don't Give Up the Fight--
Eric Johnson
RCI 197086
18701 Roxbury Road
Hagerstown, Maryland 21746

Dear Shadow,
My only question is--why do the good die young? I sent this poem to Bob Fass and he read it aloud on Radio Unnameable...I thought you might like a copy.
Robin Rothman

ATTICA IS ALL OF US...

September forth 1995... oh woe is me. William Moses Kunstler is dead, oh it can't be. His jowls relaxed, his raspy voice of words waxing about injustice...silenced for now. I remember when in 1969... how he defended my teacher for her tenure.

Twenty four years ago, he stood with blood in his eye... crying at the prison door of a massacre in his lifetime he tried to prevent... over forty in captivity lay dead in the yard when it was over.

But Bill never quit the resistance... not after witnessing the assassination of his friend and comrade, Martin Luther King... or the shootout at Wounded Knee... or circus trial of the Chicago Seven and shackling of Bobby Seale... or the frameup of Larry Davis by NYPD.

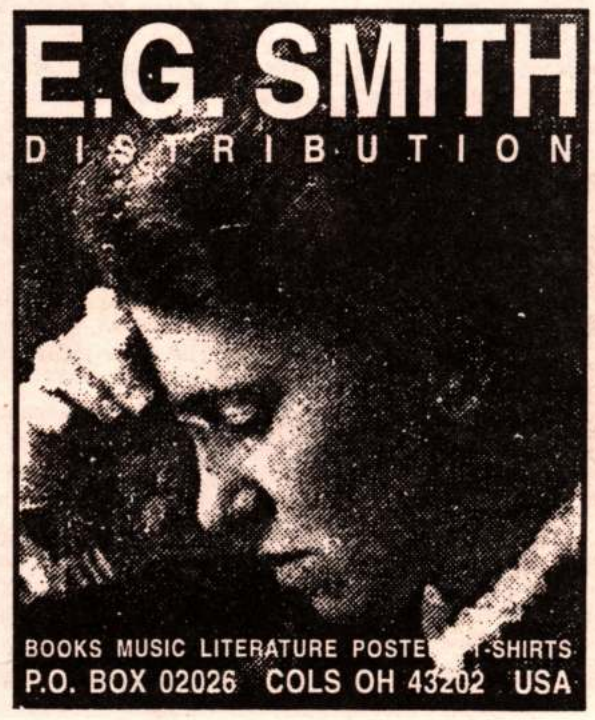
Bill made sure that those of us who grew up in the sixties felt safer to be courageous in the face of a war machine... to fight our homegrown fascist regimes. He knew how to advocate our causes... course the struggle and navigate the court room.

Most of all, Bill loved the paper work. When he wasn't writing legal briefs... appeals, affidavits of upheaval or speeches... closing statements... memoirs... or stand up comic routines... he wrote poems and sonnets like redemption songs.

No one had to afford him... you were his client if victimized by liars disguised as peace officers... FBI agents... racist states of governors or mayors... all the way to the Supreme Court judges and the death penalty.

William Moses Kunstler knew the law... and loved all of us who live outside it honestly. The sound of his name is enough to believe in Amerika's Constitution and Bill of Rights. He beat out judicial know how with the heart of a soft pawed lion.

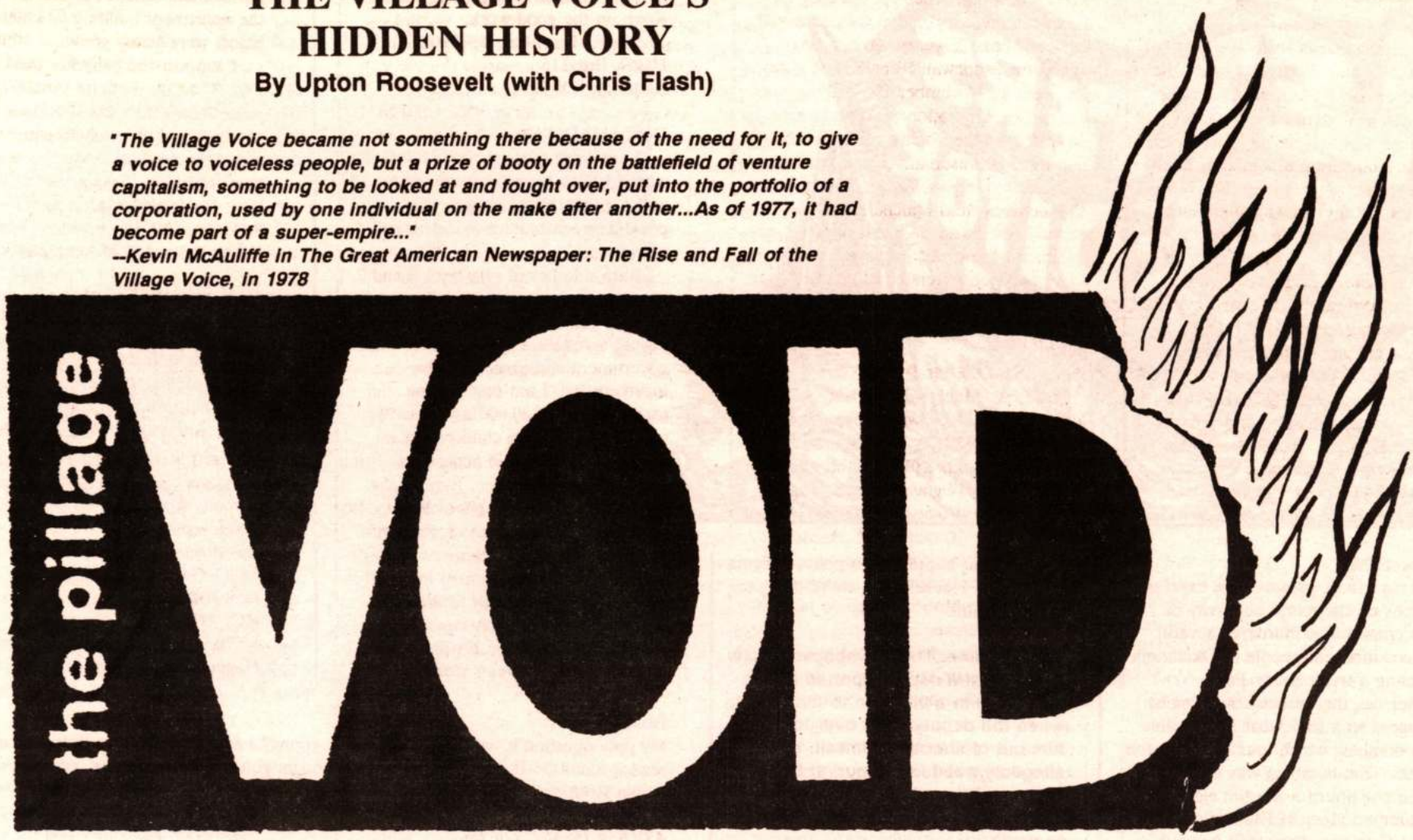
Oh woe is we! Jerry Rubin and Abbie Hoffman must be in trouble deep and Jerry Garcia musta been busted at the pearly gate... or is it Nixon trying to break in? Why else would God call for Billy now, after a mere 76 years... when we need him ever so much on earth.



THE VILLAGE VOICE'S HIDDEN HISTORY

By Upton Roosevelt (with Chris Flash)

"The Village Voice became not something there because of the need for it, to give a voice to voiceless people, but a prize of booty on the battlefield of venture capitalism, something to be looked at and fought over, put into the portfolio of a corporation, used by one individual on the make after another...As of 1977, it had become part of a super-empire..."
--Kevin McAuliffe in The Great American Newspaper: The Rise and Fall of the Village Voice, in 1978



"I've got no quarrel with Wayne [Barrett] as long as he comes to work in drag at least every other day. Just kidding. Just kidding. I'm going to pay for that."
--Village Voice Editor Karen Durbin in New York Magazine's April 25, 1994 issue

New York magazine noted that *Voice* investigative reporter Wayne Barrett "was visibly downcast" when it was announced that Karen Durbin was being brought in from *Mirabella* magazine to become the new editor of the *Village Voice*. Barrett "had specifically told" *Voice* president-publisher David Schneiderman "that the paper needed an editor with a hard news background," according to *New York* magazine.

Upon her arrival at the *Voice*, Durbin quickly terminated five investigative reporters and caused several others to quit. One year later, she fired two long time staff reporters and artist Stan Mack.

The look and focus of the *Village Voice* has been changed, pumping up arts and culture coverage while de-emphasizing hard news and investigative reports. Morale at the *Voice* is at an all-time low and many members of the activist community no longer buy the paper.

Last summer, the *Voice* news department refused to run certain photos of the 13th Street squatter eviction, telling freelancer John Penley that they were "too dramatic." One *Voice* writer who spent the night in the squats, watching as the police systematically pried the buildings open to evict the squatters, had her article edited and reduced to obscurity. The cover story of the *Voice* that week was "My Life As A Black Lesbian," written by a Black man, occupying several full pages, while the squatter piece was given less than half a page.

How did the *Village Voice*, once considered to be a progressive and intelligent newspaper, get to this point? A look at the *Village Voice*'s hidden history might help us discover how the *Voice* came to be the Establishment-owned corporate newspaper it is today.

The Pre-Newspaper Strike Period

The *Village Voice* was started by Dan Wolf, Ed Fancher and Norman Mailer on October 26, 1955 using money from Mailer's bank account and Fancher's inheritance.

Voice co-founder Wolf was the husband of a social worker. After his involvement in the world of downtown alternative journalism enabled him to become a millionaire by the early 1970s, Wolf turned neo-conservative and eventually moved into a City Hall office in 1977 to be an aide and close adviser to New York City Mayor Ed Koch.

Voice co-founder Fancher was a Lake Placid, New York prep school graduate who had become a Manhattan doctor. He had also inherited $30,000 worth of Orange County Telephone Company stock from his grandfather.

Fancher used part of his inherited utility company stock to come up with the $5,000 that he initially contributed to launch the *Voice*. Best-selling novelist Mailer also put up $5,000. In exchange for his $5,000 investment, Mailer and his lawyer received 40% of the *Voice*'s stock. In exchange for his $5,000 investment, Fancher and his close friend, Dan Wolf, received 60% of the stock.

The idea of naming their downtown Manhattan newspaper "*The Village Voice*," however, was apparently not that of either Mailer, Wolf or Fancher, but a woman named Patricia Woods, who worked as an English teacher during the 1950s. Wolf took the title of *Voice* editor-in-chief, but a hip guy named John Wilcock was named the *Voice*'s first news editor. Other editorial employees initially included Florence Ellerberg and Jerry Tallmer, a former editor of the Dartmouth College student newspaper. Although Wolf was approaching his 40th birthday when the *Voice* was first published, "in the first issue he would lie and say he was only 33," according to *The Great American Newspaper: The Rise and Fall of the Village Voice*, by Kevin McAuliffe.

Before the 1962 newspaper strike by local unions shut down all of Manhattan's daily major newspapers for 114 days, the *Voice* was not much of a success financially. In 1955, it only had a circulation of about 3,000, sold for only 5 cents, and lost about $1,000 a week in 1950s money. It didn't publish many classified ads in those days and therefore consisted of only 12 pages.

To keep the *Voice* from going bankrupt in 1956, Mailer had to pour in about $10,000 more from his literary profits and Fancher had to shovel in another $10,000 from his utility company stock inheritance. The *Voice* still had difficulty making money until the 1962 newspaper strike. Between October 1955 and the start of this strike, about $60,000 was lost by the newspaper and *Voice* editor-in-chief Wolf had to be "supported by the income brought in by his wife Rhoda, a social worker," according to *The Great American Newspaper.* The *Voice*'s circulation, though, had risen to about 17,000 on the eve of the big Manhattan daily newspaper strike.

Even in its early days, the *Voice* was not considered hip enough by some people in downtown Manhattan. Initially, Mailer wrote a column for the *Voice.* But as J. Kirk Sale noted in a December 1969 article in the now-defunct counter-cultural *Evergreen Review* magazine: "Norman Mailer quit after 13 columns because the Voice was square, not hip....Mailer was...right. The Voice was square, patriotic, safe, liberal, and middle class. Still is..." The *Voice*'s initial news editor, John Wilcock, also told *Evergreen Review* the following in 1969: "The Voice was never far out. I was on to things before they heard of them, and they wouldn't touch them till they became legitimized somehow, someone else picked them up and said they were OK...It's become really, a part of the 'establishment.'"

The Viet Nam War Period

Its lack of hipness, however, did enable the *Voice* to suddenly attract a large group of culturally straight *New York Times* junkies, who were desperate to read any newspaper after Manhattan's newspaper strike began on December 7, 1962. By the time the strike ended on April 1, 1963, the *Voice*'s weekly circulation had jumped from 17,000 to 40,000, it had begun to corner the West Village and Lower East Side market for classified ads, and it was on its way to becoming a big money-making machine for its owners--especially since it wasn't very generous about paying its regular writers. And as US military intervention in Viet Nam escalated--thus creating a much larger market for anti-war, countercultural newspapers--the *Voice*'s circulation jumped from 41,000 in 1965 to 138,000 in 1969. Since 1969, however, the number of *Voice* readers has failed to increase very much, although its classified ad business guarantees that it will always remain profitable--even if its editorial contents don't appeal to many West Village and Lower East Side readers.

An additional reason the *Voice*'s circulation increased during the 1960s was that it apparently was helped by the Establishment's Hearst media conglomerate. As *The Great American Newspaper* revealed, "Dick Deems, an officer in the Hearst publishing organization...eventually interceded on the paper's behalf when it was having distributor problems" and "when that happened, the *Voice* got on more newsstands everywhere, which boosted its growth." Not surprisingly, the *Voice* has never been very eager to publish exposés of the Hearst Dynasty's media conglomerate. By 1968, about 18% of the *Voice*'s income was coming from its classified ad sales and about 62% from its display ad sales--which sold for about $1,100 per full-page in 1960s money. The number of ad inches printed per issue during the Viet Nam War period rose from about 1,200 in 1965 to about 3,300 in 1970, as the war escalated. Like the *New York Times*, about two-thirds of the newspaper was devoted to publishing commercial ads, although the *Voice* still claimed to be a counter-cultural publication. Yet, despite its many ads and post-1962 newspaper strike profitability, the *Voice*'s original owners did not begin distributing it for free on a wide scale to people in the neighborhood around its office, but instead, in May 1966, increased its newsstand price to 15 cents. By 1969, *Voice* owners were making a profit that exceeded $260,000 a year from their weekly newspaper.

Ironically, despite the big profits their newspaper took in during the Viet Nam War period by marketing countercultural ideas and descriptions of street protests to its new anti-war readership, neither *Voice* co-owner Wolf nor *Voice* co-owner Fancher "ever marched in a civil rights or anti-war demonstration," according to *The Great American Newspaper.* The *Voice* owners were also apparently not very eager to recruit many African-American editors or staffwriters during the 1960s era of African-American mass rebellion. As Kevin McAuliffe noted in *The Great American Newspa-*

Continued on Page 17

Continued From Page 16

per, "for all the public hand-wringing over White Guilt and Black Power" the *Voice* "never had a black editor or a black staffwriter" during the 1960s.

In an attempt to give hip people in downtown Manhattan a genuinely alternative newspaper during the Viet Nam War period, Walter Bowart and Allen Katzman scraped together about $5,000 to launch, on October 11, 1965, the now-defunct *East Village Other* (*EVO*) alternative newspaper, from an office at 10th Street and Avenue A. Within 3 months, its circulation had increased from 2,500 to 7,000 and it was being published on a regular, biweekly basis.

The *Voice* apparently felt a competing Lower East Side-based alternative newspaper threatened its profitability. When *Voice* Publisher Fancher heard that *Voice* news editor turned *Voice* columnist John Wilcock was "going around the Village telling people that the *Voice* was a dying newspaper and that *EVO* was the voice of the future, he called him into his office and told him he could not stay at the *Voice*," according to *The Great American Newspaper*. But despite the *Voice*'s attempt to discourage alternative journalists in the neighborhood from offering downtown Manhattan readers a genuinely counter-cultural newspaper to choose from every other week, by 1969 the *East Village Other*'s circulation had jumped to 45,000 and it looked like its circulation would eventually exceed that of the *Voice*. (Wilcock later started his own counter-cultural newspaper, *Other Scenes*.)

By the end of the 1960s, according to *The Underground Press In America* by Robert Glessing, "most underground editors, particularly the political radicals," now found "the *Voice* timid, if not downright traitorous to their cause." For instance, Jeff Shero, editor of the now-defunct *RAT* newspaper (another Lower East Side-based counter-cultural newspaper of the late 1960s and early 1970s) told the *Evergreen Review* the following: "I don't think it's sins of commission so much as sins of omission that's the trouble with the Voice. Like the 21 Panthers now in jail on these trumped up charges. The Voice hasn't said a word about it, not one word." Lesbian and gay male activists were also dissatisfied with the *Voice*'s coverage when the Lindsay Administration's cops raided the Stonewall gay bar about 25 years ago and provoked the Stonewall Rebellion of June 28, 1969. In November 1969, about two dozen Gay Liberation Movement activists picketed the *Voice*'s editorial office and three representatives went inside to speak with *Voice* publisher Fancher. The activists "told Fancher...that they wanted free ad space in his paper, a gay community news section, a gay editorial slant, and gay writers hired on staff" but "to none of this would Fancher give in," according to *The Great American Newspaper*.

The Carter Burden Era

By 1968, Mailer had sold 5% of his *Voice* stock to the owner of midtown Manhattan's WMCA radio station, Peter Straus (who in 1977 became the director of the US government's propaganda agency, Voice of America). But it wasn't until 1970 that the three founding owners of the *Voice* sold control of the publication to super-rich members of the US Establishment and to outside corporate interests.

In 1968, students at Columbia University had occupied university buildings for a week in support of six demands, after which the Lindsay Administration ordered its cops to clear both Columbia's buildings and its campus of students in what turned out to be a bloody police rampage. One of the six demands was that Columbia University Trustee William Burden--who also sat on the corporate boards of CBS, Lockheed and American Metal Climax--resign his position as chairman of the executive committee of the Pentagon's university-sponsored weapons research think-tank--the Institute for Defense Analyses (IDA). IDA Executive Committee Chairman Burden was the uncle of 19th century US robber baron Cornelius Vanderbilt's great-grandson--Carter Burden.

Carter Burden was also married to the stepdaughter of then-CBS Chairman of the Board William Paley. CBS Board Chairman Paley, like Carter Burden's uncle, was also a Columbia University Trustee. After the *Voice* printed a few articles that were very critical of the Columbia University Administration's handling of its 1968 student revolt, Carter Burden apparently became interested in buying the *Voice*. Burden also apparently decided it might help his political career in 1969 if he started negotiating with *Voice* co-owner/editor Dan Wolf about purchasing the *Voice*.

Just before Burden started a 1969 primary campaign for a NYC Council seat, "a profile of him and his wife Amanda...appeared" in the *Voice*, "followed by an editorial endorsement from Dan Wolf (in which Wolf revealed to the readers of the *Village Voice* that Burden was...'the best representative of the new politics running in the primary'...but not the fact that he was a prospective buyer of the newspaper they were reading)," according to *The Great American Newspaper*. Then, in January, 1970, Burden turned both Wolf and Fancher into millionaires overnight by paying them $3 million for 56% of the 70% of *Voice* stock which Wolf and Fancher had come to own by that time. Burden also acquired an additional 24% of *Voice* stock by buying most of the remaining stock held by Norman Mailer and his lawyer, as well as that held by WMCA radio station owner Straus. The Wall Street lawyer who was Burden's business partner in his *Voice* acquisition, Bartle Bull, also obtained *Voice* stock at this time. Thus, as early as January 1970, the *Voice* was already controlled by the husband of the CBS media conglomerate chairman's step-daughter (who also was the nephew of a Columbia University Trustee and a CBS, Lockheed, and Pentagon weapons research think-tank director) and by a Wall Street lawyer. And during the Carter Burden era of the early 1970s, the *Voice* moved its corporate headquarters to University Place and 11th Street and began to operate in a much more corporate-oriented way. As *The Great American Newspaper* recalled: "In March of 1970, the paper raised its price to 20 cents an issue. That was only the start of a new profit drive ordered by its absentee owner...The drive continued--the price went up to 25 cents in May 1973... The rates for ads increased... and...so did the number of them...The audience they had was capable of being milked far more than it already was in support of the Voice, overhead was low ...and profits actually reached a high of 14 cents on the dollar in 1973..." Although Burden paid Wolf a $72,000 a year salary to continue to be its editor, *Voice* writers were initially not paid much more under Burden's ownership than they had been under the *Voice*'s original owners. *Voice* columnists, for instance, were paid less than $95 a week at a time when the *Voice*'s market value already exceeded $3 million in early 1970s money. This caused some *Voice* staffpeople to start grumbling and *Voice* staff salaries were finally increased somewhat near the end of the Carter Burden era. Yet as late as March 20, 1974, *Voice* staff photographer Fred McDarrah made the following complaint in a letter to a *Voice* manager: "First of all, it is clear to me that the Voice can afford to give me more money because it is the largest paid weekly in the country and there is no two ways about it, it is profitable to somebody...The paper grows in circulation, advertising, income and future profits but I as an individual employee do not benefit by this...It is a poor excuse and a deception to say the Voice can't pay more..." The "somebody" to whom the *Voice* was extremely profitable during the Carter Burden Era was, of course, its owner: Carter Burden. By early 1974, it was discovered that Burden "was dipping into the paper's cash reserves to liquidate his bank obligations," according to *The Great American Newspaper*. The same book also described the reason the super-rich *Voice* owner suddenly needed to use the *Voice*'s surplus cash to pay off his personal debts, instead of to finance more investigative reporting: "His level of annual income was more than handsome enough to suit all but a handful of people in the United States of America for the rest of their lives, but Carter Burden considered himself to be in financial trouble...To the existing credit crunch of his bank loans had been added, in recent months, the extra burden of heavy alimony for his now-divorced wife Amanda, and the decline of his stock portfolio..." To pick up

See VOICE Continued on Page 21

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SHADOW REVIEWS

BACK HOME IN GALIZIA

Gateway to the Promised Land
Ethnic Cultures in New York's Lower East Side
By Mario Maffi
New York University Press, $17.50 paperback, $45 hardcover

Book Review by Tuli Kupferberg

My first contact with the Lower East Side (East Village to real estate agents and Yups) was actually my Jewish grand mother's bed, on which I was born back in 19 & 23.

Although my youthful immigrant parents had already moved away, it made eminent sense for my mother to return "home" to Cannon Street (a street which no longer exists) for such an important event.

And *I* have been returning ever since. So has the Italian-Americanist Mario Maffi, Professor at the University of Milan and author of this valuable book.

Maffi has presented us with the most complete survey of the ethnic cultures of the Lower East Side that I have ever seen. He also includes many fascinating vignettes of life "as it really was" for the different groups and individuals involved.

My father, for example, was a Yiddish theater fanatic and would follow his favorites from city to city. I remember my exciting trips to Second Avenue as a child. It was a whole day's outing sponsored by his Landsmanschaft, "The Young Men's Progressive Sanoker Benevolent Society." To quote Maffi, "theater was the cementing element that gave an identity to the community and at the same time fruitfully interacted with America. To the Jewish masses, theater was more than simple entertainment. It was 'education, dream-maker, chief agent of charity, social center, and recreation hub for the family.' Coming a long way from Romania and Russia via London, Yiddish theater received a new life in New York and became a veritable obsession in the Ghetto, something like a 'national' accomplishment which had a social as well as a cultural relevance. Yiddish companies took over many German theaters on the Bowery, and by 1910 the area was a Yiddish Rialto, the center of an intense and creative experience. Actors and actresses, playwrights and directors were public figures on the Lower East Side. Their plays, acting, and private life were openly discussed in the sweatshops, in the cafes, and in the theaters between acts and often even on stage."

And Maffi quotes Roskolenko: "The mobbing audiences came from the Jewish trade unions, from *vereins*, from sick-and-death benefit societies and benevolent associations. They did not come with popcorn. They brought Turkish halvah, Jewish bagels, farmer cheese, sandwiches wrapped in a newspaper, American fruit, Russian candy, something to drink, and they carried on, equal in ego, as if they were the actors. Too often one could not hear the real actors, who were drowned out by the frightening comments, the extraterrestrial noise, the public and private deep critiques (sometimes shouting warnings or advice to the characters), and then the overdone applause. The Yiddish theater of those days resembled the early English theater with its hurrahs, gusto, and lampooning. The only element lacking was Anglo-Saxon accents."

There are also separate detailed chapters on ethnic fiction and union and radical movements.

The Jewish, Irish, German, Italian, and Chinese immigrations seem to have been the most studied. Somewhat neglected: the Slav (Russian, Ukrainian, Polish), the Puerto Rican and Latino, and Black.

The Nativist (anti-immigrant) movements are also documented. Disgust with and fear of "these aliens" sometimes reached alarming levels. Maffi quotes Charles Brace from the 1870s: "It has been common, since the recent terrible Communistic outbreak in Paris, to assume that France alone is exposed to such horrors, but, in the judgement of one who has been familiar with 'dangerous classes' for twenty years, there are just the same explosive social elements beneath the surface of New York as of Paris. If the opportunity offered, we should see an explosion from this class which might leave this city in ashes and blood. In fact, who will ever forget the marvelous rapidity with which [during the Draft Riots] the better streets were filled with a ruffianly and desperate multitude, such as in ordinary times we seldom see--creatures who seemed to have crept from their burrows and dens to join the plunder of the city."

Also discussed are the attitudes toward assimilation and the burgeoning move to assertion of self-identity.

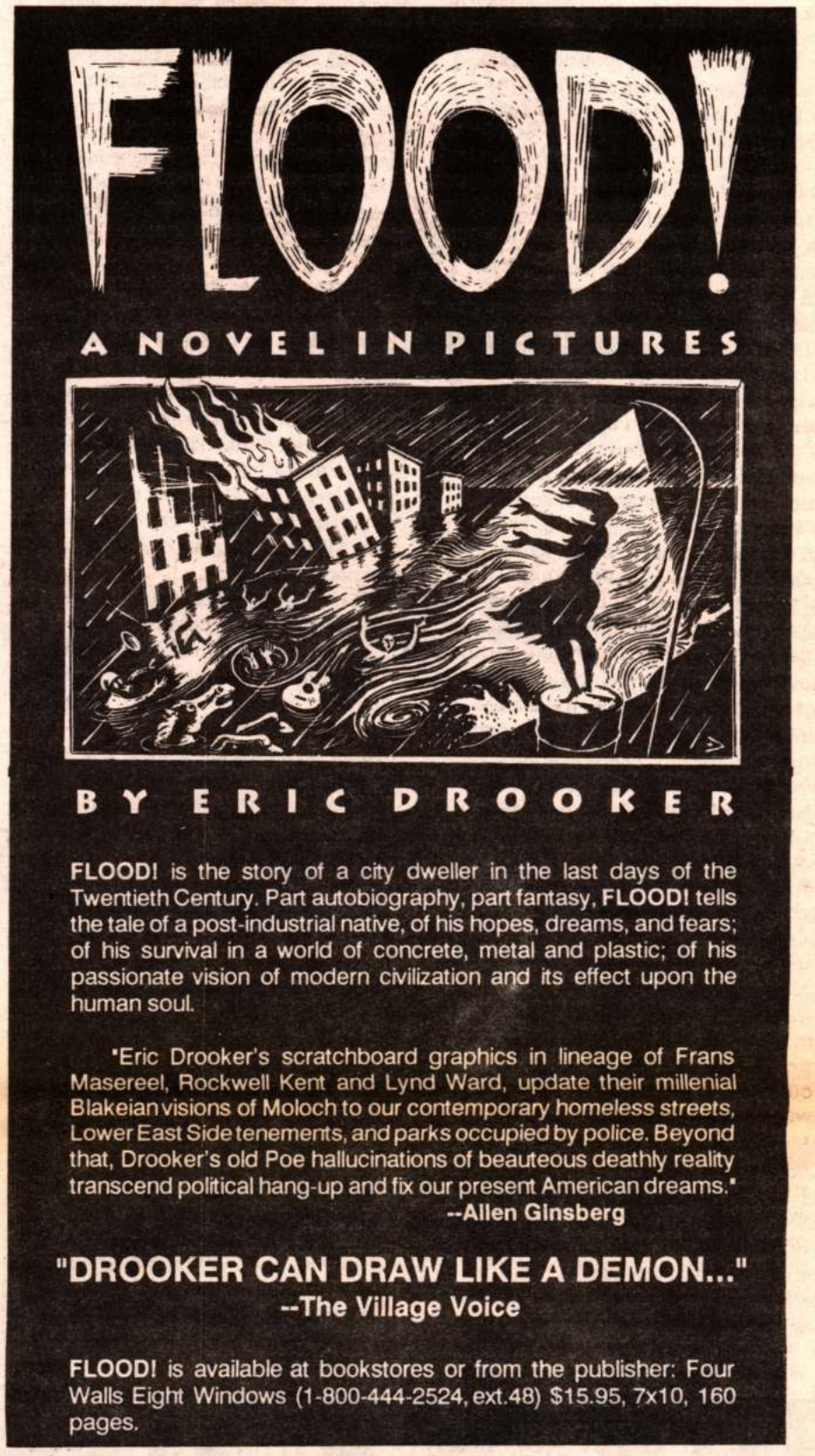
And Maffi has added an informative overview of the vivid, far-out hippie-punk-anarchist culture of the Lower East Side today.

An amazing bibliography of over 1000 items completes the work.

This is a fine takeoff place for anyone interested in any aspect of an in-depth analysis or study of New York City immigrant culture and "absorption" of the last 150 years.

Some years ago when my father was living alone I invited him to occupy a back house apartment I had been using as storage space on East 10th Street where I lived for fifteen years in the sixties. And Papa refused. Not all "Bread and Roses" his memories of *that* Lower East Side! And then as now: an opportunity for some....a chance at a new and better life...and for others, well...catastrophe and hey--you know it!

The more things change...?



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--Allen Ginsberg

"DROOKER CAN DRAW LIKE A DEMON..."
--The Village Voice

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MUMIA....

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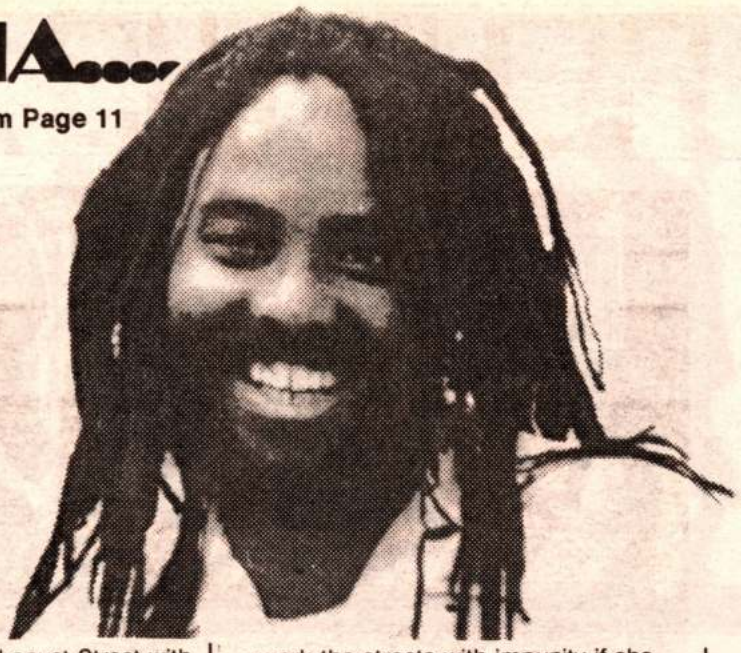
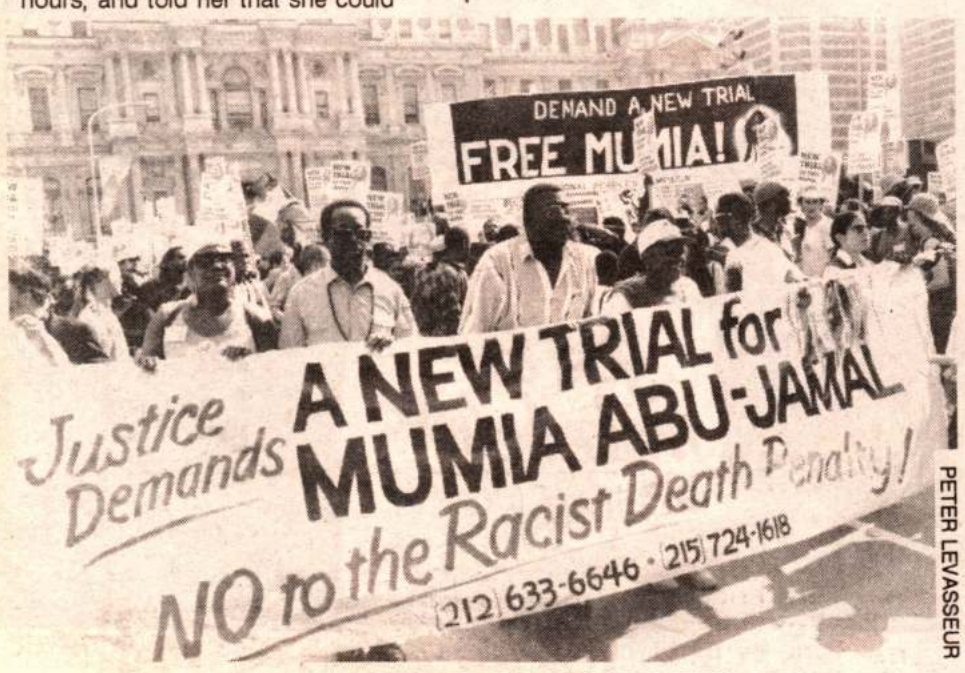


saw Mumia crossing Locust Street with a gun in his hand and that she saw him fire the fatal shot. White was guarded by undercover police officers during the trial while working the streets, and the prostitution cases against her were not prosecuted. Another witness, Robert Chobert, testified at the trial that Mumia shot Faulkner, thereby contradicting the story that he told police the night of the incident, in which he claimed to see the shooter flee the scene. In fact Chobert's testimony evolved through three contradictory stories--the one that he told a police captain at the scene, in which the killer ran away down the north side of Locust Street, then the one he told at the police station an hour later in which the shooter ran thirty feet from the scene, and finally the story he told at the trial in which the shooter fell "less than ten" feet from the mortally wounded cop (Mumia was found lying in the street approximately four feet from Faulkner). Chobert, as it turns out, was on probation for arson and *was facing drunk driving charges* at the time of the incident--a situation which placed him at the mercy of law enforcement and might explain his evolving willingness to corroborate the prosecution's argument. Chobert's problems with the police however, were deemed inadmissable at trial by Judge Sabo.

On the defense side, two witnesses testified that they had seen someone running away from the scene of the crime in the direction that Chobert had originally indicated. Dessie Hightower told of seeing a person with dreadlocks run and disappear up Camac Street, an alley off Locust which was in the direction that Chobert said he saw the shooter run in his original version of the incident. Veronica Jones, another prostitute, testified that she had seen one or more persons running in that direction. Jones also stated that police had arrested her after the shooting, questioned her for five hours, and told her that she could work the streets with impunity if she corroborated the testimony of Cynthia White to the effect that Mumia fired the shot that killed Faulkner.

Other persons who had been interviewed (by the prosecution) also reported seeing a man fleeing the scene of the shooting, but did not testify at the trial because the prosecution failed to divulge the results of their investiga tions to the defense as required by law. Debbie Kandinsky, who lived in a residential hotel overlooking the location of the shooting, said that she saw a man running on Locust Street immediately after she heard shots. William Singletary told police on the night of the crime that he had seen a Black man who was neither Mumia nor his brother flee the scene. The police, according to Singletary, tore up two affidavits that he wrote at the precinct house, threatened to "get something on him," and harassed him until, in frustration, he wrote a statement to the effect that he had not seen the incident at all. In the months after the shooting, Singletary was visited by police and menaced in various ways, which impelled him to leave Philadelphia for a time. Singletary took the stand at a hearing on the petition for post-conviction relief in September 1995 and testified that he saw the passenger in William Cook's Volkswagen--a man with dreadlocks--shoot Officer Faulkner after the cop quarreled with and struck Cook. The shooter then ran off and disappeared down an alley. This is consistent with Dessie Hightower's account of seeing a man with dreadlocks running from the scene. Singletary said that he saw Mumia approach his brother's car from the parking lot just as the third man shot Faulkner and went over to take a look at the injured cop, who then shot Mumia in the chest (a story that makes sense in light of the fact that Mumia has dreadlocks and the cop had just been shot by a man with dreadlocks).



PETER LEVASSEUR

AUGUST PHILLY DEMO FOR MUMIA DREW 10,000

THE DEFENSE

One would think that a defense attorney would do something about a situation where crucial evidence is ruled inadmissable by the judge or suppressed outright by the police and prosecution. Mumia Abu-Jamal, however, had no defense attorney to speak of, and was thwarted in his effort to represent himself. Mumia elected to conduct his own defense, and lawyer Anthony Jackson was appointed as his backup counsel. Mumia carried out the early stages of jury selection himself, but after a short time, Judge Sabo decided that the case was "proceeding too slowly" and denied him the right to continue acting as his own attorney. Sabo insisted that Mumia turn jury selection over to Jackson, whom Sabo had already chided on the record for not paying enough attention to the case. Jackson and Mumia quarreled continually, and the lawyer requested five times during the course of the trial to be relieved of the case. Jackson failed to interview key witnesses (partly because he had been granted only $150 for an investigator, but partly because of his own negligence), allowed a juror to be empaneled who had a friend who was a cop shot in the line of duty, and also allowed the wife of a police officer to become an alternate juror. Jackson made no preparations for the penalty phase of the case in which Mumia was sentenced to death. He was later disbarred, for reasons unrelated to the Mumia case. Mumia continued to press vocally for his right under the Sixth Amendment to act as his own lawyer, and Sabo repeatedly threw him out of the courtroom for these "disruptions." He was therefore not present for a great deal of crucial testimony, including that of Cynthia White.

THE JURY

A combination of lawyerly incompetence by Mumia's court-appointed attorney Anthony Jackson and judicial prejudice by Judge Sabo led to the empaneling of a jury hostile to Mumia. The prosecution used 11 of it's 15 peremptory challenges to exclude 11 of the 14 African-American prospective jurors from the final jury. Such deliberate efforts to establish a racially biased jury using peremptory challenges have been ruled unconsitutional by the U.S. Supreme Court. Not only did Judge Sabo tolerate this, but he exacerbated the situation by removing the one juror whom he allowed Mumia to select while Mumia was acting as his own attorney. This juror, a Black woman named Jeannie Dawley, requested that she be released from sequestration for a few hours to take her seriously ill cat to the veterinarian. This occured before the trial began and Ms.Dawley's request would not have required a continuance or any other delay in the proceedings. Sabo, however, denied the request, and when Ms. Dawley took it upon herself to leave the confines of the court-ordered sequestration to take care of her cat, she was summarily excused from the case by Sabo. Later, after the trial had begun, a white juror requested a morning off to take a civil service examination. Judge Sabo granted his request, post poned the beginning of court until the afternoon, and assigned a court officer to accompany the juror on his way to the exam. After the trial, one of the former jurors presented an affidavit to the effect that three white jurors would meet privately in a room at the hotel where they were sequestered and discuss the case. All three of these jurors were in favor of a guilty verdict, and one of them became the foreman of the jury as legitimate deliberations began. Deliberation by jurors before the case has been handed over to them by the judge has been held to be grounds for a mistrial.

THE JUDGE

Albert Sabo served as the Under Sheriff of Philadelphia County for sixteen years before ascending to the bench. During this time he joined the National Sheriff's Association, the Police Chief's Association of Southeast Pennsylvania, and the Fraternal Order of Police. The latter organization has been the main cheerleader for the execution of Mumia Abu-Jamal. Sabo volunteered in 1976 to become a member of the Homicide Unit, a special subdivision of the Pennsylvania Court of Common Pleas that hears only homicide cases. Mumia's attorneys are currently challenging the existence of the Homicide Unit under a provision of the Pennsylvania Constitution that prohibits the establishment of special tribunals to hear only one type of case. In the capacity of homicide judge, Sabo's sentencing has accounted for one-sixth the population of Pennsylvania's death row. He also holds the record among Pennsylvania judges for cases reversed on appeal. In the case of *Commonwealth vs. Pana*, for instance, Sabo's decision was reversed because he refused to appoint an interpreter for a Spanish-speaking defendant even after the District Attorney requested that he do so. An example of his behavior in Mumia's case related to the matter of Police Officer Gary Wakshul, who had guarded Mumia in the hospital on the night of the shooting. While several other officers who were present in the emergency room had testified that Mumia blurted out a confession ("Yeah, I shot him; I hope the motherfucker dies"), Wakshul had written in his notebook "the negro male made no comment." In light of the fact that Wakshul spent more time watching over Mumia than the other cops, and that none of these cops mentioned the "confession" until months after the shooting (at the time when Mumia filed a lawsuit against the police for beating him up in the hospital while critically wounded) you would think that Wakshul's testimony would be highly sought after. Wakshul, however, turned out to be on "vacation" during the trial, and Sabo refused to grant a continuance to allow Wakshul to be located. In spite of a directive in the police investigative report that Wakshul be kept available for testimony, Sabo told Mumia "you and your attorney goofed" by not applying for a subpoena early enough.

THE CASE AS IT STANDS

Currently, the case of Mumia Abu-Jamal is at the appeals stage with regard to the murder conviction and death sentence. Mumia has filed suit in Federal court with regard to civil rights violations by the Pennsylvania Department of Corrections, and this case is still being litigated, although hearings at the Federal District Court in Pittsburgh concluded on October 16. Mumia is charging that the DOC has opened and photocopied mail containing privileged communications between himself and his attorneys, denied him face-to-face contact with paralegals and religious advisors, and denied him contact with the media--all of this in retaliation for his having written *Live from Death Row* (Addison-Wesley $20), a widely circulated book (and CD-ROM disk) highly critical of Pennsylvania's correctional system. Final arguments and a decision in this suit are still pending as of this writing.

ADVERTISE IN THE SHADOW!!

The Ballad of the Skeletons

By Allen Ginsberg

Said the Presidential skeleton
I won't sign the bill
Said the Speaker skeleton
Yes you will

Said the Representative skeleton
I object
Said the Supreme Court Skeleton
Whaddya expect

Said the Military skeleton
Buy Star Bombs
Said the Upperclass skeleton
Starve unmarried moms

Said the Yahoo skeleton
Stop dirty art
Said the Right Wing skeleton
Forget about yr heart

Said the Gnostic skeleton
The Human Form's divine
Said the Moral Majority skeleton
No it's not it's mine

Said the Buddha skeleton
Compassion is wealth
Said the Corporate skeleton
It's bad for your health

Said the Old Christ skeleton
Care for the Poor
Said the Son of God skeleton
AIDS needs cure

Said the Homophobe skeleton
Gay folk suck
Said the Heritage Policy skeleton
Blacks're outta luck

Said the Macho skeleton
Women in their place
Said the Fundamentalist skeleton
Increase human race

Said the Right-to-Life skeleton
Foetus has a soul
Said Pro-Choice skeleton
Shove it up your hole

Said the Downsized skeleton
Robots got my job
Said the Tough-on-Crime skeleton
Tear-gas the mob

Said the Governor skeleton
Cut school lunch
Said the Mayor skeleton
Eat the budget crunch

Said the Neo-Conservative skeleton
Homeless off the street!
Said the Free Market skeleton
Use'em up for meat

Said the Think Tank skeleton
Free Market's the way
Said the S&L skeleton
Make the State pay

Said the Chrysler skeleton
Pay for you & me
Said the Nuke Power Skeleton
& me & me & me

Said the Ecologic skeleton
Keep Skies blue
Said the Multinational skeleton
What's it worth to you?

Said the NAFTA skeleton
Get rich, Free Trade
Said the Maquiladora skeleton
Sweat shops, low paid

Said the rich GATT skeleton
One world, high tech
Said the Underclass skeleton
Get it in the neck

Said the World Bank skeleton
Cut down your trees
Said the I.M.F. skeleton
Buy American cheese

Said the Underdeveloped skeleton
Send me rice
Said Developed Nation's skeleton
Sell your bones for dice

Said the Ayatollah skeleton
Die writer die
Said Joe Stalin's skeleton
That's no lie

Said the Petrochemical skeleton
Roar Bombers roar!
Said the Psychedelic skeleton
Smoke a dinosaur

Said Nancy's skeleton
Just say No
Said the Rasta skeleton
Blow Nancy Blow

Said Demagogue skeleton
Don't smoke Pot
Said Alcoholic skeleton
Let your liver rot

Said the Junkie skeleton
Can't we get a fix?
Said the Big Brother skeleton
Jail the dirty pricks

Said the Mirror skeleton
Hey good looking
Said the Electric Chair skeleton
Hey what's cooking?

Said the Talkshow skeleton
Fuck you in the face
Said the Family Values skeleton
My family values mace

Said the N.Y. Times skeleton
That's not fit to print
Said the C.I.A. skeleton
Cantcha take a hint?

Said the Network skeleton
Believe my lies
Said the Advertising skeleton
Don't get wise!

Said the Media skeleton
Believe you me
Said the Couch-Potato skeleton
What me worry?

Said the TV skeleton
Eat sound bites
Said the Newscast skeleton
That's all Goodnight

ILLUSTRATIONS BY ERIC DROOKER

ACT-UP AND ATHEISTS BLAST PONTIFF!!

By Peter LeVasseur

The "Stop the Pope" actions on October 7, co-sponsored by ACT-UP and the National Abortion Rights Action League (NARAL), was a successful protest against the visit of Pope John Paul II (Karol Wojtyla), the Vatican's position on reproductive, gay, and women's rights, and in favor of church-state separation.

One thousand people showed up for the march, which started at Bryant Park at 42nd Street and 6th Avenue and went to Columbus Circle. A contingent led by ACT-UP split off from the demonstration at 49th Street and marched on St. Patrick's Cathedral. Two women were arrested for disorderly conduct for marching on the sidewalk instead of the street (the opposite of the usual situation). At the cathedral, the ACT-UP contingent joined with American Atheists for a protest in the middle of 5th Avenue. At that protest Ellen Johnson of American Atheists remarked that the dual status of the Roman Catholic Church as a tax-exempt institution and a state entity with ambassadorial privileges "essentially permits a religious institution to advance a theo-political agenda with U.S. government approval." The group later moved on to continue its protest at the Vatican Embassy on 79th Street.

ASHLEY THAYER

VILLAGE VOICE....

Continued From Page 17

another $5 million quickly, Burden and his Wall Street lawyer business partner Bartle Bull then peddled the *Voice* off to Clay Felker's previously-competing *New York* magazine in June 1974--for about $2 million more than what Burden had paid to gain control of the *Voice* in 1970. In exchange for agreeing to sell the *Voice* to *New York* magazine, Burden and Bull also received some *New York* magazine/Village Voice Company stock.

The New York Magazine/ Clay Felker Era

New York magazine had been launched in the late 1960s by Felker, with the financial backing of Aeneid Equities and super rich folks like Seagram's Chairman of the Board Edgar Bronfman and an investment banker named John Loeb. In 1968, *New York* magazine had lost $2 million, but by 1973 it had 400,000 readers and an annual profit that exceeded $400,000. After Felker and the *New York* magazine corporate board decided it wanted to gobble up the previously-competing *Voice*, Felker appointed New York City power-broker and Lazard Freres investment banker Felix Rohatyn to arrange the purchase of the *Voice*'s stable of writers and other properties from Burden.

In August 1974, a few months after merging the *Voice* and *New York* magazine, Felker hiked the *Voice*'s price from 25 cents to 35 cents in Manhattan. Not satisfied with one price hike per year, Felker again increased the cost of the *Voice* to 50 cents in December 1974. Felker apparently also began to control the *Voice*'s editorial emphasis in an overt way, naming himself the Voice *Executive Editor-in-Chief and bringing* in former Mayor Lindsay's press secretary (and former US Vice President Nelson Rockefeller's son-in-law)--Tom Morgan--as the *Voice* editor for a while.

But during the *New York Magazine/* Clay Felker era, readers of the *Voice* apparently grew even more dissatisfied with the newspaper than they had been during the Carter Burden era, since it became clear that the paper no longer had a philosophical or moral anchor. As *The Great American Newspaper* recalled: "To any outside observer, it was obvious by early 1975 that the Village Voice was publishing less, not of quantity, but of substance, than it had ever published before...The Village Voice had stopped making trends that others would follow. It had begun itself to follow trends. It was covering--reacting to--events. It was publishing stuff that everyone else in publishing published. It had ceased to be the paper where a new writer could always be discovered, or a new idea always discussed..."

Felker was apparently not a very mellow guy to work under. As *The Great American Newspaper* revealed, Felker "threw...screaming fits, howling and wailing and bellowing so that everyone on the entire floor could hear him ..." He also again raised the *Voice*'s newstand cost to 60 cents in late 1975.

The same book also noted why *Voice* staffpeople grew more dissatisfied with the *Voice* during the *New York* magazine/Clay Felker era:

"The crew of editors that came in under Clay Felker... found themselves, to use movement lingo, inside a participatory police state...The problem was that Clay Felker would come down to his new acquisition on Wednesdays for a lunchtime editorial meeting...where the contents and the cover of the next week's issues would be decided upon and then would come down again on Monday afternoon...charging through the 5th floor, raging and storming about how this story and that picture were not right, how the cover was awful, how everything had to be changed, forcing them to tear up all their plans and start all over again at the last minute....They began to dread living under the gun with Clay..."

Prior to launching *New York* magazine and gaining control over the *Voice*, Felker had edited the CIA-financed Helsinki *Youth News* newspaper during the height of the Cold War.

The Murdoch-Schneiderman Era

In February 1976, *Voice* editor Tom Morgan had chosen to publish a previously-classified copy of a House Committee Report On The CIA--the Pike Report--which was leaked to the *Voice* by CBS News Correspondent Daniel Schorr. Nelson Rockefeller's son-in-law then decided to resign as *Voice* editor in September 1976 and Felker brought in a *Rolling Stone* magazine editor from the outside, Marianne Partridge, to manage his stable of *Voice* writers. Australian global media baron Rupert Murdoch then figured it was an appropriate time to gobble up *New York* magazine and the *Voice*, possibly to reduce expected local media criticism of the way he planned to abuse his power as the foreign owner of the previously-liberal *New York Post*.

Using about $6 million of his recently-acquired *New York Post*'s general funds and about $1.5 million of his Australian-based News America Company general funds, Murdoch gained control of both *New York* magazine and the *Voice* in January 1977, for an eventual cost of about $25 million. He then reached an out-of-court settlement with his former friend, Clay Felker, after Felker went to court to try to block Murdoch's takeover of the *Voice*. Since Felker personally didn't own the majority of stock in the merged *New York Magazine/Village Voice* company during the *New York Magazine*/Clay Felker era (in which Felker took home a salary of $120,000 a year as the *Voice*'s Executive Editor), Felker couldn't stop the majority of *New York Magazine/Voice* stock from being sold to Murdoch by 12 other stockholders. Initially, Murdoch attempted to change the *Voice*'s editor immediately. As *Barefaced Cheek* by Michael Leapman noted, "on the *Voice*, the first thing Murdoch did was to try to replace the editor, Marianne Partridge." The Australian media baron apparently ordered the *Voice* editor to report to the *New York Post* office on January 11, 1977, where he informed her that she was now fired. But when the *Voice* staff protested against him giving the axe to Partridge so soon after his purchase of the *Voice*, Murdoch decided to back off for another year. But, during Partridge's stint as *Voice* editor under Murdoch's ownership, Murdoch sometimes telephoned the *Voice* office "to complain vociferously about stories, nearly always stories about himself or his papers," according to *Barefaced Cheek*.

The same book also revealed that Murdoch "was angry when [then *Voice* media critic Alexander] Cockburn wrote an article scoffing at Paul Rigby, the Australian cartoonist and an old friend, then working at the *Post*." Murdoch also "phoned and said he did not see why he should be vilified in his own newspaper" when "he heard that Nat Hentoff...was preparing a critical article about the *Post*," and "the Hentoff article did not in fact appear," according to *Barefaced Cheek*.

On May 10, 1978, however, Murdoch again decided he needed to replace the *Voice* editor, so he apparently ordered his *Voice* publisher at that time, Bill Ryan, to fire Marianne Partridge. But again *Voice* staff complaints caused Murdoch to back off, and Partridge "got to stay--till January 1979, when Murdoch designee, David Schneiderman, would take over," according to *The Great American Newspaper*.

Schneiderman had secured an MA from Maryland's Johns Hopkins University--not from a school of journalism, but from a "School of Advanced International Studies." He had held a Deputy Editor position at the *New York Times* prior to being brought downtown by Murdoch to manage Murdoch's stable of *Voice* writers. Before assuming his role as Murdoch's *Voice* editor in January 1979, "Schneiderman sat in an office for six months...mapping his strategy until Partridge's contract was up," according to *Barefaced Cheek*.

The same book also revealed in 1983 that Murdoch was "obviously happier" with Schneiderman as *Voice* editor and that "Murdoch...appears to enjoy his... meetings with Schneiderman" and "occasionally" Schneiderman was "on the receiving end of criticism for individual stories, mainly about Murdoch." The book *Murdoch* by William Shawcross also noted that "Schneiderman received the occasional irate telephone call" from Murdoch during the early 1980s.

Although Schneiderman apparently enjoyed meeting with Murdoch in his *New York Post* office, Schneiderman apparently didn't like to chat with *Voice* writers in the 1980s. As the June 28, 1985 *New York Times* noted, "Mr. Schneiderman left the *New York Times*, where he was assistant editor...to become editor-in-chief of the *Voice*, but only after his appointment was delayed several months at the insistence of the *Voice*'s staff" and "Mr. Schneiderman adopted a policy of not socializing with anyone, which he still largely observes..." Schneiderman was willing, however, to socialize with US Establishment figures, apparently, as a member of the elite Council on Foreign Relations during the 1980s.

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VILLAGE VOICE....

Continued From Previous Page

Barefaced Cheek also revealed that after the *Voice* printed in 1981 "a thinly--veiled suggestion that the *Post* was getting a tax reduction on its South Street office building because of its support for mayor Edward Koch,...Murdoch's senior henchmen phoned Schneiderman to tell him how badly Murdoch viewed it..." The same book also noted in 1983 that "Murdoch clearly trusts" *Voice* Publisher-President Schneiderman "as much as he trusts anyone working for a paper that does not relate to anything he knows about" and "when David Schneiderman went for one of his meetings about the *Village Voice*, he found Murdoch bubbling with enthusiasm for the impending battles with the *New York Daily News*, asking advice on what moves he should make."

Coincidentally, one of the first editorial decisions which former Murdoch Magazines editor Karen Durbin made, after Schneiderman named her *Voice* editor in 1994, was to publish an article that was critical of *Daily News* owner Mort Zuckerman, with whom *New York Post* owner Murdoch presently does "battle" with.

In the Murdoch-Schneiderman era, the *Voice*'s circulation started to drop, its appeal to people under 25 started to decline, and only 25% of its readers were actually residents of Manhattan--despite its large number of Manhattan-resident oriented classified ads. But because its classified ad publishing business had expanded greatly, its profitablility increased to $5 million a year in pre-tax profits, despite the early 1980s decline in circulation. During this same period, the *Voice* axed its popular media criticism columnist, Alexander Cockburn. Writing in the *Nation* on September 7, 1985, Cockburn later asserted that "the *Voice* is...spewed with Democratic reform politics and self-regard" and "*Rolling Stone* and the *Village Voice* may be able to coin revenues for their repugnant proprietors but the future is not with them."

The Stern-Schneiderman Era

After the FCC allowed *Voice* owner Murdoch to purchase Metromedia's TV stations in the US--despite FCC regulations which prohibit US TV stations being owned by foreigners--the Australian media baron needed to quickly raise more cash to help finance his entrance into the world of US broadcasting. To raise $55 million, he decided to sell his stable of *Voice* writers to Hartz Mountain Industries real estate developer, pet food merchant and New York University Trustee Leonard Stern in June 1985.

Voice owner Stern describes himself as "right of center on defense issues," according to the *NY Times* (6/28/85). A few weeks after Stern purchased the *Voice*, the *Times* (7/7/85) reported that "some *Voice* employees" were "uncomfortable existing under the same corporate roof with Hartz..." and that "some *Voice* staffers speculate that the desire to recoup some respectability he may have lost because of Hartz's problems could have motivated him to purchase the newspaper..." Stern's Hartz Mountain Industries had just pleaded guilty to a variety of white-collar crimes and anti-trust violations. The *July 7, 1985 Times* (7/7/85) also reported the following: "Mr. Stern says he intends to take the same brand of...tenacious management to the *Voice*...And he is convinced that he has captured a prize...'It was the best media property that's been offered to me in a long time. Hands down.'" After NYU expanded eastward and moved its students into high-rise East Village dormitories in the 1990s, NYU Trustee Stern also decided to move the *Voice*'s editorial offices closer to the East Village. Although the *Voice*'s pre-tax profits have exceeded $8 million a year since 1991, local advertisers have been purchasing less classified ad space in Stern's newspaper in recent years.

Schneiderman has remained at the *Voice* as its publisher and president during the Stern-Schneiderman era of the last nine years (in addition to spending two years futilely attempting to interest readers in his now-defunct *Seven Days* magazine project, which Stern spent $10 million to finance). Schneiderman has been the corporate man responsible for choosing *Voice* editors during this period. Prior to bringing in Karin Durbin from the outside to become the new *Voice* editor, Schneiderman apparently decided that the *Voice*'s own arts and film editor--Lisa Kennedy--was not "qualified" enough, not politically conservative enough, and not similar enough in racial background or sexual orientation to *Voice* Owner Stern to "merit" being named *Voice* editor.

When Schneiderman chose Murdoch's *Mirabella* magazine editor Karen Durbin to be the *Voice* editor in 1994, he "took Durbin to see Leonard Stern... in his Hartz corporate offices" since "Stern wanted to satisfy himself that Durbin would, among other things, protect the niche and develop it," according to *New York* magazine (4/25/94).

Former *Voice* reporter Peter Noel told the **SHADOW** that in April 1994, when Durbin arrived at the *Voice*, "she had a hit list" targeting "the best investigative journalists, including Philip Nobile, Russ Baker, Mathieu Reiss, Marc Cooper and Robert Friedman" for termination "in the first wave of her purge." Noel said that he was forced to quit last May after having his suggestions for articles repeatedly turned down and ignored by Durbin, who admitted she did not like his writing style and who accused him of "being too close" to his subjects. Noel's specialty was sometimes controversial articles on Black issues and investigative pieces.

According to Noel, next to leave were writers Michael Tomasky and Lisa Kennedy. Tomasky went to work for *New York* magazine, even though he had been urging Noel to stay at the *Voice*.

Last July, Durbin further purged the *Voice* of three long time contributors: sports editor Jeff Klein, restaurant reviewer Jeff Weinstein (17 years) and cartoonist Stan Mack (20 years). Durbin said she was getting rid of the sports section and that she would replace the current restaurant reviews with short capsules about eateries. Stan Mack, who drew "Real-Life Funnies," about all sorts of weird and interesting New Yorkers in their own words, told the **SHADOW** he was told that the *Voice* was "going in a different direction."

According to the *New York Post* (7/18/95), *Voice* management said the terminations did not violate the paper's contract with reporters "because Durbin's reason for firing the reporters was that she didn't like their work, not that they weren't doing their jobs."

Another *Voice* reporter told the **SHADOW** that many confusing reasons have been given for the firings, some of which were disguised as "lay-offs."

Stan Mack told the **SHADOW** that the *Voice* became less intimate after they moved to Cooper Square. Said Mack: "I walked away and never looked back."

Noel told the **SHADOW**, "the tradition of investigative journalism is almost dead at the *Village Voice*, except for William Barrett," who remains at the *paper*.

Voice editor Durbin gets $125,000 a year, much less than what Stern and Schneiderman take home from ripping--off the West Village/East Village counter-cultural community each year with their *Voice* "alternative journalism" hustle.

There may be a severe lack of meaningful content, but at least readers will continue to find a lot in the *Voice* in the way of classified ads to read--at a newsstand price which was recently hiked by 25% to $1.25 so that billionaire Stern could get neighborhood residents to finance his recent purchase of the *L.A. Weekly* "alternative" newsweekly.

Noel repeated remarks made by *Voice* owner Stern: "The editor of the Voice is appointed at the newsstand." Noel says, "If you care about a paper's income, you keep the content that sells. Instead, they got rid of it." He added, "If sales plummet, she (Durbin) can't last. The *Voice* has totally abandoned the down-trodden, the people on the street. Now the *Voice* has no one to write stories on Black issues like they used to. The *Village Voice* is dead, as far as I'm concerned."

O.J. SIMPSON....

Continued From Page 2

was the messenger for the only physical evidence in the O.J. case; you cannot convict a man on the sole basis of motive and lack of alibi. The messenger was an admitted bigot and predicate liar, just as O.J. Simpson was an admitted wife basher. Any jury could have gone either way, this one happened to go in O.J.'s direction.

Therefore the only lesson to be learned from the O.J. trial has to do with how screwed up Amerika is. None of the politicians and white folx who are upset about the outcome of this case are suggesting that anything be done about the police. If juries do not believe the police, it would seem to mean that either the police system or the jury system must be changed. Either you fire the kops whose word is no longer good, or you institute a system like those that used to exist in apartheid South Africa and the old Soviet Union--where the police would judge and and sentence people in their own police courts without bothering with a jury. It appears that District Attorney Hynes and Governor Pete Wilson would prefer the latter alternative because the former is unthinkable to them.

Racist kops are a necessity to the politicians because Amerika is a racist society with racist laws. Lying kops are a necessity to them because if the truth were told, the politicians themselves would all go to jail. This is why Amerika's power elite will never consent to firing the Mark Fuhrmans and replacing them with fair and honest people.

Over the past fifteen years or so there has been a rapid erosion of freedom in Amerika. Ever since the Reagan Revolution started rolling back the gains of working and poor people with the narrow-minded justification of making Amerika more "competitive," Amerika has been subjected to ever harsher and more intrusive law enforcement. All poor people, from the Black folx of the inner cities to the white folx out in the sticks, have gotten a dose of it. As a succession of governments has dismantled what is left of Amerika's social fabric, the police have become the thin glue poured into the cracks to keep the whole mess from falling apart. Instead of jobs, inner city people have only drug dealing to support themselves, so the simple process of making a living is now guaranteed to put a certain portion of the population at odds with the kops.

Randy Weaver, white supremacist, is probably about as disagreeable a person as O.J. Simpson. His run-in with the police state came on account of guns; a Federal agent made a mission of getting Weaver to sell him a handful of sawed-off shotguns to frame him on a weapons charge. After months of trying, Weaver caved in and sold the kop three of the feeble home-made weapons. Arrested and booked, Weaver missed a court date, bringing the long arm of the law to his doorstep with an arsenal of high powered weapons poised to kill him and his family. Whether you like Randy Weaver or not, he was way out there on Ruby Ridge minding his own business when the police state came for him. As in the O.J. case, the jury refused to believe the police when they accused Weaver of shooting at them. Whether or not you approve of David Koresh's personality cult or harsh child-rearing practices (which in the final analysis were little different from those of the Texas public school system) it stands that no private citizens ever accused Koresh of bothering them. The Federal government in its infinite wisdom decided that the Koresh cult was a piece of deviancy that it would not tolerate, and went in there guns-a-blazing. When the smoke cleared and Koresh's followers were taken to court, once again, the jury refused to believe the police.

Do you see a pattern here? Does it seem to you that the jury system, as perhaps the last bastion of direct democracy, is kicking back at the police state? Can it be that jurors are now seeing themselves as the only check and balance against an executive branch gone amok? If the O.J. Simpsons and the Randy Weavers are no heros, they are perhaps serving as vehicles for a movement of jury nullification that may be the last remaining "civilian review" of arbitrary law enforcement.

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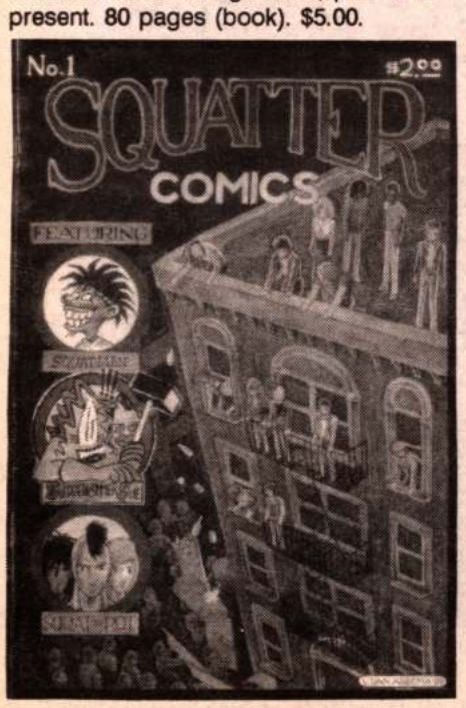
THE SHADOW: List of back issues available for self-addressed stamped envelope or 2 stamps. $1.00 each.
SQUATTER COMICS #1: Art and comics by SHADOW artists. 16 pages. $2.00.
SQUATTER COMICS #2: 48 pages. $2.75.
GEORGE BUSH: THE SUPER-SPY DRUG-SMUGGLING PRESIDENT (By Bill Weinberg): Everything you've wanted to know about George Bush, past and present. 80 pages (book). $5.00.



FROM OTHER SOURCES:

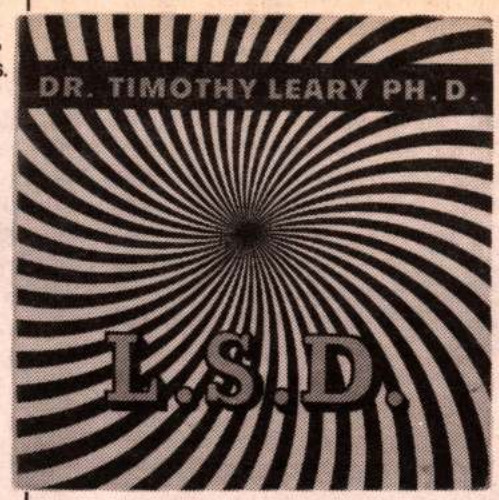
THE STRANGE HISTORY OF THE REVOLUTIONARY COMMUNIST PARTY (By Jack Straw): *Tells it all.* 4 pages (zerox). $1.00 + 1 stamp.
MARIJUANA'S SECRET HISTORY: THE CONSPIRACY BEHIND OUTLAWING HEMP: Why is pot illegal? This details how Dupont and the Mellon bank used Hearst Publications, the Federal Bureau of Narcotics and the federal government to demonize marijuana in order to protect their investment in a highly polluting paper making process that continues today. 4 pages (zerox). $2.00 + 1 stamp.
SPATIAL DECONCENTRATION (From World War III Illustrated): Explains how the gov't. planned and destabilized neighborhoods from the 1960s on, resulting in soaring land values and homelessness. Researched by Yolanda Ward, who was assassinated after stealing gov't files for this project. 12 pages (zerox). **(From Yolanda Ward Memorial Fund):** Article on Spatial Deconcentration in Washington, DC.
4 pages (zerox). $2.00 total + 1 stamp.

DISORDER CONTROL GUIDELINES: A secret guide "acquired" from the New York City Police Dept. reveals objectives and diagrams for pig formations, crowd dispersal, wedge formations, arrest tactics and levels of mobilization in the event of civil unrest (that's means riot to the rest of us!!) 12 pages (zerox). $2.00 + 1 stamp.
AN ANIMAL LIBERATION PRIMER: Very serious direct action and how-to manual put out by Animal Liberation Front. 32 pages (book). $3.00.

THE COMPLETE MANUAL OF PIRATE RADIO (By Zeke Teflon): Everything you need to know, includes schematics and sources. 24 pages (book). $3.00.
COLLATERAL DAMAGE: A collaborative anti-war poetry and art project including Allen Ginsberg, Daniel Berrigan, Peter Kuper, Sue Coe, Scott Cunningham. 32 pages (book). $3.00.
SURVIVAL WITHOUT RENT: Put together by long time NYC squatters, gives step by step in finding and fixing up a squat building. Written for the NYC squat scene, it can be useful to squatters in other cities. 31 pages (zerox). $4.00.
CONQUERING THE URINE TESTS (Byrd Labs): A complete guide to success in passing urine tests for drug users. 28 pages (book). $5.00.
BAG OF ROCKS (By Will Sales): Revolutionary poetry on city life, the streets, poverty, racism, childhood, love and heroism by Lower East Side activist and homesteader poet. 40 pages (book). $5.00.
BLACKLISTED NEWS: SECRET HISTORIES FROM CHICAGO TO 1984: A compilation of underground news, stories, flyers, photos, art and more published by the Youth International Party (Yippies) from 1967-1984. Obtained through a special purchase, this book is out of print and cannot be found any where else!! 735 pages (book). A real steal at $15.00 + $3.25 postage.

AUDIO CASSETTES:

WORLD TRADE CENTER BOMBING CONSPIRACY: Two telephone conversations between FBI informant Edam Salem and Special Agents John Anticev + Nancy Floyd reveal that the FBI was in on the conspiracy and bombing of the World Trade Center on February 26, 1993. Approx. 30 minutes total. $5.00.
WAKE UP AMERICA: Abbie Hoffman trips on laughing gas, sings songs, fields calls on radio shows, rants and raves. Approx. 50 minutes. $5.00.
LSD: Timothy Leary, tripping on acid, calmly explains the benefits of LSD and the persecution against him, as cops are standing outside his house!! Approx. 60 minutes. $5.00.



ELECTRIC KOOL-AID ACID TEST: Actual acid test and trip festival at San Francisco State College, Oct. 1-2, 1966, less than a week before LSD became illegal!! With Ken Kesey, Wavy Gravy, Jerry Garcia. Approx. 45 minutes. $5.00.
MALCOLM X SPEAKS: Fire + Fury Grass Roots Speech, Nov. 10, 1963. Approx. 40 minutes. $5.00.
MALCOLM X SPEAKS AGAIN: Violence + non-violence, the ballot or the bullet, are among topics discussed. Approx. 45 minutes. $5.00.
KURT VONNEGUT: Reads aloud his famous book "Slaughterhouse Five." Approx. 90 minutes. $5.00.
THE BATTLE OF TOMPKINS SQUARE PARK: SHADOW and WBAI radio journalist Paul DeRienzo gives battlefield report on exactly what caused the Tompkins Square Riot of 1988. Approx. 45 minutes. $5.00.
JACK KEROUAC + NEAL CASSADY: Both read from Kerouac's "Old Angel Midnight" + "Dr. Sax" (1961), "Vanity of Duluoz" (1967-68). Also readings and discussions on Proust, Dr. Sax, Burroughs (1953-54). Approx. 90 minutes. $5.00.
BOB DYLAN vs A.J. WEBERMAN: Discussion on Dylanology includes angry outburst by Dylan when he discovers Weberman is recording their phone conversation. Also with music by David Peel and Grace Slick. Approx. 60 minutes. $5.00.
LENNY BRUCE RARIETIES: "To is a Preposition, Come is a Verb" "Thank You, Masked Man" "Berkeley Concert 1966" "American". Each tape approx. 45 minutes. $5.00 each.

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(DISCLAIMER: We are charging for the service of providing this software, not for the software itself.)

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TRIPNO DISC: You tune in, turn it on, and zone out on trippy multicolor changing screen patterns. Modeled on the hypno disc, tripno takes no computer memory and is completely self-contained. It's cyberdelic!! $10.00 + $1.00 postage/handling.

ORDER FROM: SHADOW PRESS, P.O.BOX 20298, NY NY 10009 (Please include $1.00 postage for each comic, book, cassette or floppy disk. If zeroxes ordered are part of a larger order, no stamps are necessary. All orders are sent by first class mail as soon as they are received. Payment by check requires 1-2 week clearance before order is filled.)

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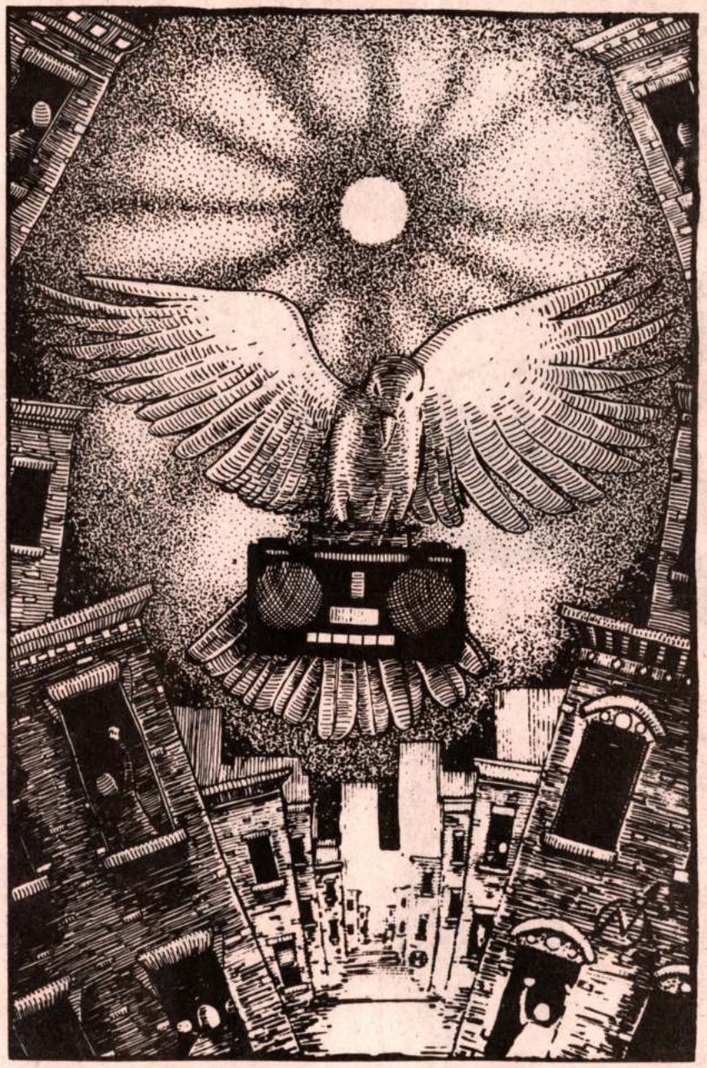

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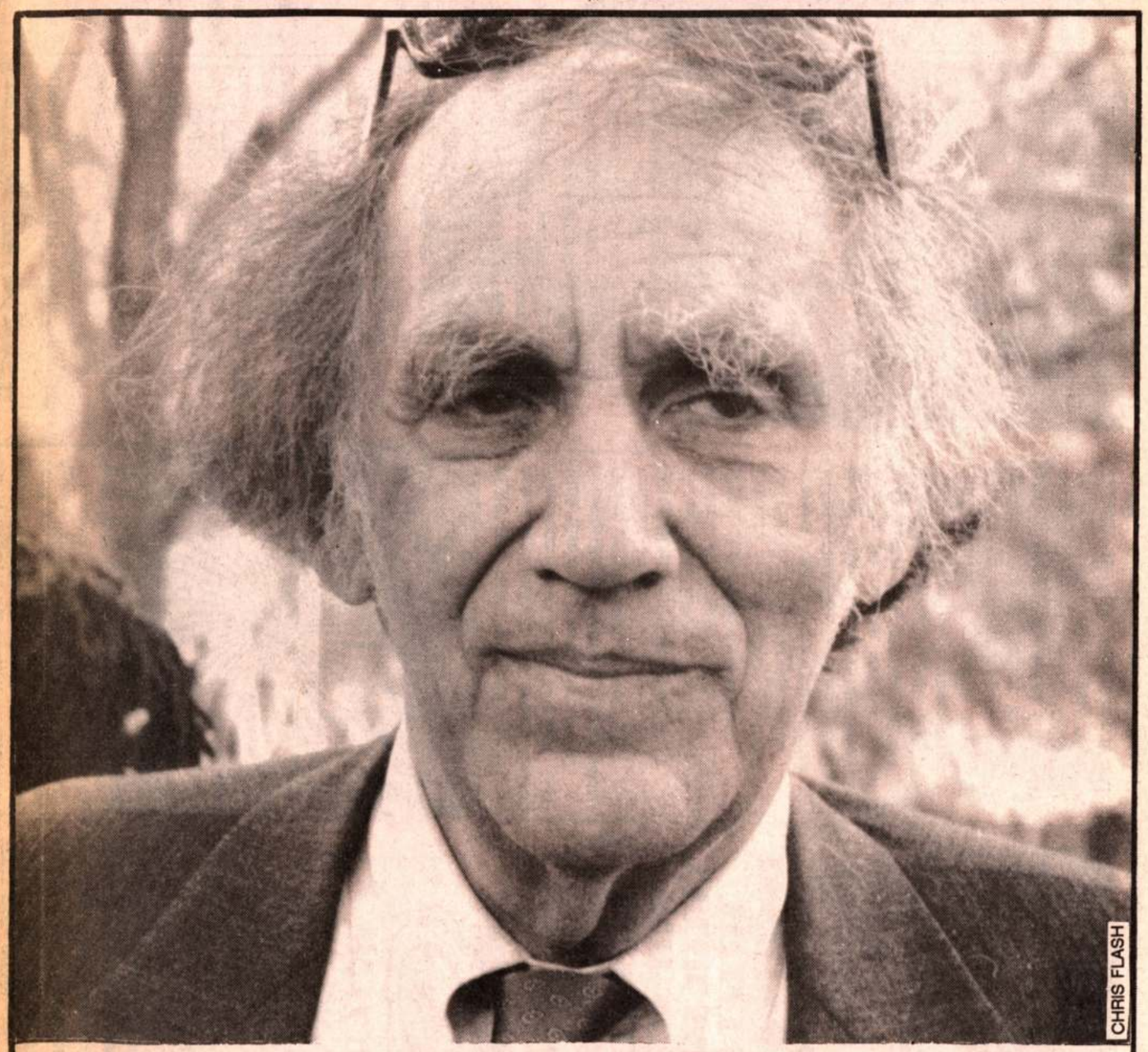
JANUARY 1995
ISSUE #37



WILLIAM MOSES KUNSTLER
1919-1995